

**Planning Sub Committee A - 14 December 2021**

Minutes of the meeting of the Planning Sub Committee A held at Islington Town Hall on 14 December 2021 at 7.30 pm.

**Present:**      **Councillors:**      Khondoker (Chair), Woolf (Vice-Chair), Clarke, Jackson and North (Substitute) (In place of Klute)

**Councillor Roulin Khondoker in the Chair**

**197      INTRODUCTIONS (Item A1)**

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

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

Apologies were received from Councillor Klute.

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

Councillor North substituted for Councillor Klute.

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

There were no declarations of interest.

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

The order of business would be as per the agenda.

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

**RESOLVED:**

That the minutes of the meeting held on 6 September 2021 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**203      44 PEAR TREE STREET, LONDON, EC1V 3SB (Item B1)**

The upward extension, refurbishment and recladding of the existing building to create a new second and third floor and mezzanine level, associated with the use of the building for Class E purposes, together with the provision of plant equipment and a roof terrace at roof level and the provision of refuse, recycling and cycle parking facilities at ground floor level.

(Planning application number: P2020/3206/FUL)

In the discussion the following main points were made:

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- The planning officer stated that since the report was published, an additional objection had been received. The points made were addressed in the officer report.
- The planning officer stated that the building management plan had to be submitted and approved prior to occupation.
- The planning officer stated that two previous applications had been determined. The 2014 application had been refused and the appeal had been dismissed. The 2017 appeal was approved. Officers considered that the recent approval carried considerable weight.
- The current application was solely commercial whereas the previous applications were residential and there were residential roof terraces. Lapsed planning permission should be given less weight than extant planning permission. When determining weight, it was necessary to consider whether there had been policy changes since planning permission was granted.
- The history of the applications for this site was noted. The last application had been for a larger scaled building and had been approved.
- It was noted that the previous application had some obscure glazing and window opening restrictors.
- In response to a member's question about whether there were restrictions to the use of the roof terraces in the previous approved scheme, the planning officer advised that there were none.
- The planning officer stated that in the proposed scheme, there were no roof terraces on the south east corner. Officers had initially recommended that use of the roof terrace end at 6pm, however following the submission of a detailed management plan and in agreement with the environmental health officer this had been recommended to be extended to 8pm. The number of site occupiers on the terrace would be limited to 15 at any one time. The environmental health officer had requested that details of the use of the roof terrace be included in the revised management plan to be submitted and approved prior to occupation. This would include the acoustic measures to mitigate noise from the terrace and how any complaints would be managed. The applicant stated that the roof terrace was not large and was integrated into the roof away from neighbouring residential units. 8am-8pm would align with extended office hours. The roof terrace would be used for site occupiers and would not be used for parties.
- In response to a member's concern about the building line not being set back on Bastwick Street, the planning officer stated that the design of the two previous schemes was substantially different. In relation to the proposed scheme, design changes to the roof had reduced the impact on the adjacent building and were considered acceptable.
- Daylight and sunlight were discussed. The planning officer advised that there were transgressions, mostly to the student accommodation but that due to the nature of occupation of student accommodation it was considered to be acceptable in this case. There was a transgression in relation to a window of 26 Bastwick Street but this window had passed a daylight distribution test.
- Following an objector's concerns about daylight sunlight assessments, the planning officer stated that officers were satisfied with their accuracy.

Officers detailed the transgressions in relation to the impact on the Pietra Lara Building and stated that although any transgressions were regrettable, they were minor and these were less than in the previous approved scheme.

- In response to a member's question about the nature of potential tenants, the applicant stated that the space was flexible. The upper floors could be let to one tenant or a number of smaller businesses. The applicant also stated there was demand in Clerkenwell for retail showrooms.
- Following an objector's concerns about a sense of enclosure the planning officer advised that the shape of the roof, with a reduction in the height of the eaves, was deemed to have reduced the sense of enclosure. Also having a commercial rather than residential scheme reduced the concerns regarding overlooking.

Councillor North proposed a motion to amend Condition 10 to require obscure glazing and restricted opening windows on the western and south eastern elevations. This was seconded by Councillor Khondoker and carried. The wording of the condition was delegated to officers.

Councillor North proposed a motion to add a condition to restrict the use of the roof terrace to occupiers of the office only. This was seconded by Councillor Khondoker and carried. The wording of the condition was delegated to officers.

Councillor Khondoker proposed a motion to amend Condition 16 to restrict construction hours to 8am-6pm Monday to Friday only. This was seconded by Councillor Woolf 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 with the amended and additional conditions as outlined above, and subject to the prior completion of a Deed of Planning Obligation made under Section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1 of the officer report.

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**PARKHURST COURT, WARLTERS ROAD, LONDON, N7 0SD (Item B2)**

Proposed mansard extension with dormer windows to create 7 self contained flats (3no. x 2 bedroom 4-person units, 2no. x 2 bedroom 3-person units and 2no. x 1 bedroom 1-person units) on the existing flat roof, plus associated amenity space, lift shaft extended and reinstated, existing chimneys to be extended above proposed roof level, water tanks replaced and cycle storage and refuse storage.

(Planning application number: P2021/2101/FUL)

In the discussion the following main points were made:

- The location of the proposed bin store and cycle store was discussed.

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- In response to a member's question about how amenities on site would be shared among new and existing residents, the applicant stated that although the proposed cycle store and refuse store would be for new residents, if existing residents wanted cycle storage, this could be provided. The refuse store was a new provision for new residents as there was no intention to extend the existing refuse chute provision to the new flats. There would be no change to communal amenity space and although more people would be sharing the space, the new residents would be contributing their share of the service charge.
- Concerns about possible structural issues were made by objectors attending the meeting plus one objector who had been unable to attend the meeting but had provided the committee with a written statement. Further to a question from a member, the applicant confirmed that existing residents would not bear the costs of the scheme.
- A planning officer stated that structural issues were building control issues, issues relating to service charges were civil matters and the integrity of the building was covered by building control regulations.
- An objector stated that whilst existing residents had not requested cycle storage, there was concern that the proposed location of the store would remove vehicular access and providing cycle storage would reduce amenity space.
- In response to a question from a member about whether there could be a financial obligation to improve amenities, the legal adviser stated that the contribution would not meet the tests.
- In response to a member's question about why the applicant had not provided the £25,000 financial contribution requested by TfL for a safer junction, the applicant stated that they had not refused to contribute but they had asked TfL for clarification on how the figure had been reached as they had concern that it was based on the whole building and not the additional flats. They had not yet heard back from TfL. A planning officer also stated that officers had assessed the request and were of the view that it was not reasonable for a scheme of this size.
- The applicants confirmed that they were willing to look at other locations for the cycle store and provide lockers for foldable bicycles.
- The chair stated that in relation to the previous application which was refused, no issues were raised about the design or extension on roof.

Councillor Khondoker proposed a motion to add a condition that consultation on the location of the refuse and bicycle stores take place with the Parkhurst Court RTM Company to reduce the impact of the loss of amenity space and visual amenity. The wording was delegated to officers. This was seconded by Councillor Clarke and carried.

Councillor Khondoker proposed a motion to add an informative that dialogue between the applicant and Parkhurst Court RTM Company be encouraged in relation to the proposal and building integrity. The wording was delegated to officers. This was seconded by Councillor North 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 plus one objection provided in writing, planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report with the additional condition and informative as set out above, and subject to the prior completion of a Deed of Planning Obligation made under Section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1 of the officer report.

The meeting ended at 9.50 pm

**CHAIR**

## **WORDING DELEGATED TO OFFICERS**

### **MINUTE 203**

#### **44 PEAR TREE STREET, LONDON, EC1V 3SB**

##### Amended Condition 8 - Hours of use of roof terrace

CONDITION: The hereby approved roof terrace and inset balconies shall only be used by occupiers of the office space (Class E) of the hereby approved development and shall not operate outside the hours of:

0800 to 2000 hours Monday to Friday.

REASON: In order to protect the amenity of neighbouring properties.

##### Amended Condition 10 - Obscure glazed and restricting opening windows (Details)

CONDITION: Prior to the occupation of the host building final details of obscure glazing and measures to restrict the opening of the side and rear elevation windows (to the south east corner recess shown on drawing numbers 02 0402/P1 and 02 0504/P1 and to the west elevation shown on drawing on 02 0401/P1) shall be submitted and approved in writing by the Local Planning Authority prior the implementation of the development. The approved details shall be implemented in full as such prior to the first occupation and retained thereafter into perpetuity.

##### Amended Condition 16

CEMP CONDITION: Notwithstanding the details submitted with the application, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

The Construction Statement shall include details and arrangements regarding:

- a) The notification of neighbours with regard to specific works;
- b) Advance notification of any access way, pavement, or road closures;
- c) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period;
- d) Details regarding the planned demolition and construction vehicle routes and access to the site;
- e) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway. No vehicles shall leave the site until their wheels, chassis and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance;
- f) Details of waste storage within the site to prevent debris on the surrounding estate and the highway and a scheme for recycling/disposing of waste resulting from demolition and construction works;

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- g) The proposed hours and days of work (with reference to the limitations of noisy work which shall not take place outside the hours of 08.00-18.00 Monday to Friday only, and not at all on Saturdays, Sundays or Bank Holidays.)
- h) Details of any proposed external illumination and/or floodlighting during construction;
- i) Details of measures taken to prevent noise disturbance to surrounding residents;
- j) Information on access and security measures proposed to prevent security breaches at the existing entrances to the site, to prevent danger or harm to the neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site;
- k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception)
- l) Details as to how safe and convenient vehicle access will be maintained for all existing units accessed via Pear Tree Street at all times, including emergency service vehicles;
- m) Details as to how neighbour amenity impacts arising specifically from the proposed basement and foundations will be minimised;
- n) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure; and
- o) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area.
- p) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration. An inventory of all Non-Road Mobile Machinery (NRMM) must be registered on the NRMM register <https://nrmm.london/user-nrmm/register> prior to the commencement of use of any NRMM at the application site. All NRMM should meet as minimum the Stage IIIA emission criteria of Directive 97/68/EC and its subsequent amendments unless it can be demonstrated that Stage IIIA equipment is not available. All NRMM should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment.

The report shall assess the impacts during the preparation/demolition, excavation and construction phases of the development on the surrounding roads, together with means of mitigating any identified impacts. The report shall also identify other local developments and highways works, and demonstrate how vehicle movements would be planned to avoid clashes and/or highway obstruction on the surrounding roads.

The development shall thereafter be carried out in accordance with the details and measures approved in the Method of Construction Statement. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

REASON: In order to secure the safe and efficient operation of the highway network,

local residential amenity and to mitigate the impacts of the development & To protect the amenity of neighbouring properties by restricting construction hours to 8am-6pm Monday to Friday only.

**MINUTE 204**

**PARKHURST COURT, WARLTERS ROAD, LONDON, N7 0SD**

REFUSE/RECYCLING (DETAILS): Final details of the exact location, scale, appearance of the refuse / recycling structure (including visual appearance supported by plans), storage and collection arrangements shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of development. The details shall be provided to the Parkhurst Court RTM Company for discussion and for consultation within this process with evidence of the outcome of these discussions to be submitted with the formal discharge conditions. The refuse / recycling storage and collection arrangements shall ensure that storage bins do not obstruct the public highway. The dedicated refuse / recycling enclosure(s) approved shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter into perpetuity.

REASON: To secure the necessary physical waste enclosures to support the development, to ensure that responsible waste management practices are adhered to and to safeguard the open and visual amenity of the site as a whole.

See attached edited cycle storage condition (condition 6) at Parkhurst Court:

CYCLE PARKING AND SERVICES (DETAILS): Details of the final layout, design and appearance (shown in context) of the bicycle storage area(s) for the site shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the hereby approved development. The details shall be provided to the Parkhurst Court RTM Company for discussion and for consultation within this process with evidence of the outcome of these discussions to be submitted with the formal discharge conditions. The storage area(s) shall be secure and provide for no less than 12 for the residential units hereby approved and should include at least 1 accessible cycle space. The bicycle storage area(s) shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the development, and maintained as such thereafter into perpetuity.

REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.

INFORMATIVE: The applicant is advised that Cllrs and the council strongly encourage active and collaborative dialogue between the applicants and the Parkhurst Court RTM regarding the implementation of the development with the Parkhurst Court RTM Company and any other freeholders/leaseholders who have an interest in the site.

