

London Borough of Islington

Planning Committee - 7 June 2022

Minutes of the meeting of the Planning Committee held at Council Chamber - Town Hall on 7 June 2022 at 7.30 pm.

Present: **Councillors:** Klute (Chair), North (Vice-Chair), Poyser (Vice-Chair), Clarke, Convery, Hamdache, Hayes, Ibrahim and Jackson

Councillor Martin Klute in the Chair

12 INTRODUCTIONS (Item A1)

Councillor Klute welcomed everyone to the meeting. Members of the Committee and officers introduced themselves.

Chair informed the meeting that 2 newly elected members of the committee in attendance would not be participating in the consideration of any of the deferred items on the agenda but will be at meeting as observers. The Chair reminded the meeting that with regard to all the deferred items, Committee will not be revisiting the entire application but strictly focus on the reasons for deferral.

13 APOLOGIES FOR ABSENCE (Item A2)

There were no apologies for absence.

14 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

There were no declarations of substitute members.

15 DECLARATIONS OF INTEREST (Item A4)

Councillor North declared a personal interest with regards to item B1, B2 and B3.

16 ORDER OF BUSINESS (Item A5)

The order of business would be as per the agenda.

17 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 4 April 2022 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

18 MEMBERSHIP, TERMS OF REFERENCE AND DATES OF MEETINGS - TO FOLLOW (Item A7)

RESOLVED:

- a) That the Sub-Committees be confirmed as five member Sub-Committees and that the terms of reference be noted.
- b) That the allocation of seats was determined in accordance with the advice in the report.
- c) That Councillors North, Clarke, Convery, Jackson and Hamdache be appointed as members of Planning Sub-Committee A for the current municipal year or until their successors are appointed.
- d) That Councillors Poyser, Ibrahim, McHugh, Hayes and Klute be appointed as members of Planning Sub-Committee B for the current municipal year or until their successors are appointed.
- e) That it be noted that Councillor North had been appointed Chair of Planning Sub-Committee A and Councillor Poyser had been appointed Chair of Planning Sub-Committee B for the municipal year or until their successors are appointed.
- f) That it be noted that any member who was a member or substitute member of the Planning Committee could substitute at any meetings of either Sub-Committee if they had not been appointed as a member of the Sub-Committee.

19 **34 YORK WAY (JAHN COURT) 34B YORK WAY (THE HUB), ALBION YARD AND IRONWORKS YARD, REGENT QUARTER, KINGS CROSS, LONDON N1 - FULL PLANNING APPLICATION (Item B1)**

Refurbishment of existing building; 5 storey partial infill extension to eastern elevation, single storey extension to northern elevation and two storey roof extension with roof terrace to provide additional Office floorspace (Class E(g)(i)); reconfiguration and alterations of front and rear entrances to the western and eastern elevations; provision of one flexible Retail (Class E(a)), Café Restaurant (Class E(b)), Fitness (Class E(d)) and Office (Class E (g)(i) unit at ground floor level; provision of cycle store and associated facilities at basement level and plant at basement and roof level with green roofs and other associated works. Listed Building Consent application: P2021/2360/LBC also submitted.

(Planning application number: P2021/2270/FUL)

Councillors Klute, Jackson, Ibrahim, Clarke, Convery, Poyser and North were involved in the consideration of this item. Councillors Hayes and Hamadache did not take part in its consideration.

Item was taken in conjunction with item B2 which is seeking listed building consent.

In the discussion the following points were made:

- The Planning Officer advised Committee that since the report was published 2 further representations were received by Council requesting an additional condition and questioning the Design and Access Statement and illustrations that had been submitted with the application. With regards to the additional

Planning Committee - 7 June 2022

condition, members were advised that were planning permission to be granted the plan will be formalised so as protect the amenity of neighbouring residential occupiers.

- Item was deferred from the committee meeting of 22 February to address concerns that the building is a floor too high, noting that its removal would give it a better proportion and secondly that a reduction in both its massing and height would result in the improvement of its daylight and sunlight impact.
- In addition the Planning Officer reminded the meeting that committee requested applicants to consider improving the affordable workspace offer and more importantly to increase the 10 years lease and for the activation on York way frontage to be increased.
- The Planning Officer advised that the revised proposal had resulted in the building massing being reduced, that the floors have now been set back and that the floor uplift has been reduced by 153sqm, which has resulted in a significant improvement in daylight and sunlight impacts.
- Members were advised that following amendments to both applications, the affordable workspace will now be provided separately for each application and to be located on-site within each application scheme, noting that should both schemes be approved, cumulatively, the total floorspace to be provided separately across each application amounts to 448.7sqm which when taken together would result in an uplift of (15%) in the total provision of affordable workspace from the previous scheme of 388sqm.
- Meeting was informed that in response to residents request there is a proposal to remove the proposed flattening of the cobbles east -west in Albion Yard.
- With regard to reductions in impacts to daylight, the Planning Officer advised that the reduction in mass to the fourth storey has led to betterments with the reductions to daylight and sunlight to neighbouring properties.
- In comparison to the scheme presented to the Committee on 22 February 2022 when a total of 278 windows and 149 rooms to neighbouring properties were now assessed, 42 (15.1%) of the windows and 12 (8.1%) of the rooms would see reductions beyond the BRE guidance criteria (when using the VSC criteria for the windows and the daylight distribution (the NSL test) criteria for the rooms) and that following the latest amendments to the scheme, the revised Daylight, Sunlight and Overshadowing Assessment confirms that of the same windows and rooms tested, now only 27 (9.7%) of the windows and 7 (4.7%) of the rooms would see reductions beyond the BRE guidance criteria (when using the VSC criteria for the windows and the daylight distribution (the NSL test) criteria for the rooms).
- Noting the above, the meeting was advised that although a number of windows and rooms would see a betterment to the reductions to neighbouring properties, transgressions are still reported to neighbouring properties at the Ironworks, the Copperworks, Albion Buildings, Albion Walk and Balfe Street.
- On the issue of impacts to Sunlight, the Planning Officer reiterated that with the scheme presented to the 22 February 2022, 214 windows were assessed, of which 201 (93.9%) are BRE guidance compliant and only 13 (6.1%)

Planning Committee - 7 June 2022

neighbouring windows would have seen transgressions beyond the BRE guidelines.

- In response to the question about the affordable workspace offer, the Planning Officer noted that in the case of the current application, the workspace is to be located on the ground floor of the Jahn Court building, that the area will be 241sqm which represents 10.7% of the uplift in office floorspace. In addition, the Planning Officer advised that the space will be open plan and is proposed to be fitted out to a Category A standard and that the lease length of the proposed affordable workspace offer has been increased from 10 years to 20 years on a peppercorn rent.
- On the request to further enhance the active frontage along York Way, members were advised that this will involve providing new door openings and awnings to this elevation, which will provide greater prominence to this frontage and interface with York Way. The changes include lowering of the window cills and the introduction of glazed doors and retail canopies, and tables and chairs on the street.
- An objector was concerned that none of the reasons for deferral had been addressed, that the revised scheme was simply tinkering at the edges, that the scheme is predominantly commercial focussed and not resident centered, that a reduction of 1.3m was not sufficient to address issues of sunlight and daylight loss to residents. The objector requested that the committee refuse planning permission as the scheme lacked imagination.
- Another objector was concerned that despite resident's approaching the developers in good faith, all their concerns had not been addressed, for example the cycle storage remains a security risk and all anti-social related activities had not been resolved. Objector questioned why Islington Policies and London Plan were being disregarded by developers for example the Tall Buildings Policy has been given little weight and that local residents are designed out of the scheme and that for local residents there still remains that sense of enclosure feeling and should be refused.
- Another Albion Yard resident queried the few concessions from the developer such as the increase in affordable workspace and tenure, noting that the setbacks were not actually setbacks, that the proposed reductions in heights would not address the overlooking issues as it is clearly a design issue. Objector noted that the buildings are still visible, reminding committee that the rear of Jahn court is being extended in an area close to the nearby grade 2 listed building. Resident stated that the scheme fails to meet both Council's greening and carbon emission targets. Another concern was the loss of 65 cycle spaces and its replacement with only 10, that in general the scheme has too many harms and few benefits so should be refused.
- Another objector queried the design of the scheme stating that the applicant has not sufficiently demonstrated the scheme's positive impact on local residents, businesses and visitors, requesting that if committee were minded to grant planning permission, conditions attached should extend beyond addressing concerns during construction activities but after occupation and long term impact on the amenity of residents.
- An objector from Impact Hub indicated that although he was not against the redevelopment in principle, he requested that the proposed affordable

workspace be switched back to 34B York Way because its loss from the Hub would have an impact on the good work and job opportunities being provided at present.

- Councillor Hyde on behalf of her constituents although welcoming attempts by the applicant to improve the scheme was still concerned that the scheme is still too big, noting especially how the developers have related with the residents requesting that the scheme be deferred.
- In response, the agent advised that since the item was deferred, the team worked with officers to address issues raised by Committee, noting that the scheme is now lower in height and massing, that it is a sustainable development providing space for SME's and noting that the scheme secures a CIL contribution of £1.3m via s106.
- The agent informed the meeting that the revised scheme has resulted in a significant height reduction, noting that the overall height of the proposed development has been reduced by 1.3 metres, that the massing of the proposed roof extensions has been reduced at various levels for example the fourth floor extension has been recessed by 2.8 metres from the northern elevation; the fifth floor east infill extension is to be recessed by 1.5 metres from the eastern elevation; the fifth floor gallery and plant level is to be recessed by 3.7 metres from the north and recessed by 1.1m to the east; and the upper roof plant level recessed by 3.4 metres to the north and recessed by 3 metres to the east, as well as reduced in height by 1.3 metres.
- In addition to the above the agent reiterated that amendments have resulted in a proposed uplift in GIA, that the floorspace has been reduced from 2,404sqm to 2,251sqm which equates to a reduction of 153sqm of floorspace from the previous scheme and is not considered to be in conflict with the Council's land use policies.
- The agent acknowledged other issues highlighted by the Planning Officer with regard to affordable workspace provision within Jahn Court on the ground floor and the extended tenure from 10years to 20years, the removal of the flattening of the cobblestones in order to address accessibility concerns.
- Members were reminded that that no objections were received from the Council's Design and Conservation Officers and Historic England in terms of the height, design and massing.
- With regard to the Estate management plan, the agent acknowledged resident concerns, welcoming the plan and its commitment to maintaining a high level of security on the estate and will employ security consultants and the provision of CCTV to deter criminal activities.
- Councillor North proposed a motion to amend the wording of the estate management plan condition, that the frequency of meetings held with residents should be increased and this was seconded by Councillor Jackson. It was also agreed that the initial wording of the estate Management plan should be worked up in conjunction with residents.
- In response to overdevelopment concerns on the site, the agent reminded committee that the project has been an on going exercise of over 2.5 years and had gone through a number of iterations and consultations by both the Design Review Panel and Historical England who have raised no objections.

- On the issue of reduced cycle parking from 65 to 10 secure places, the agent advised that given that there was previously a lack of any formal consent or allocation for residential cycle parking, the provision of 10 dedicated cycle parking spaces for residents is considered to amount to an improvement on the existing situation and an overall benefit.
- During Deliberation, the Chair noted that the massing concerns appear to have been resolved with the roof design being remodelled, noting the affordable workspace offer and in particular the extended lease to 20 years. He also welcomed the suggestion by applicants that if demand for cycle storage increases, applicants were willing to revisit the issue. The Chair proposed that the wording of the relevant condition be amended to state that a minimum of 10 spaces be provided.
- A member welcomed the revised scheme as a considerable improvement, that the benefits of the scheme outweigh the negative impact which was not the case when it was previously considered at the February meeting. Member requested that the estate management plan be amended to ensure that the same hours of use for the roof terraces be applied to the use of external spaces within the site.
- A member requested a refusal on grounds of the site being overdeveloped and its over intensification, noting that this was not a derelict site which required further redevelopment. Member stated that this was more of an issue of site management rather than the nature of the building querying the need for office spaces when there were so many vacant office spaces in the area.

Councillor North proposed a motion to grant Planning Permission. This was seconded by Councillor Jackson 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 amended additional condition 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.

20 **34 YORK WAY (JAHN COURT) 34B YORK WAY (THE HUB), ALBION YARD AND IRONWORKS YARD, REGENT QUARTER, KINGS CROSS, LONDON N1 - LISTED BUILDING CONSENT (Item B2)**

Listed Building Consent application in connection with external works to parts of Jahn Court at 34 York Way, which adjoin the exterior of the Listed Building at 34B York Way, comprising of the removal of paving and railings and structures/fixtures for the glazed front entrance and skylight to Jahn Court; and the re-provision of a new front entrance structure adjoining the listed building, and replacement paving

and associated works, adjoining the listed building, and replacement of entrance door with glazed door. Associated planning application ref: P2021/2270/FUL.

(Planning application number: P2021/2360/LBC)

In the discussion the following points were made:

- Item was considered with item B1 which is a linked application for a full planning permission (see details above).

Councillor North proposed a motion to grant Listed Building Consent. This was seconded by Councillor Jackson 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, listed building consent be granted subject to the conditions and informatives set out in Appendix 1 of the officer report.

21

TIMES HOUSE AND LAUNDRY BUILDINGS (4-6 BRAVINGTONS WALK 8 CALEDONIA STREET AND PART GROUND FLOOR AREA OF 3 BRAVINGTONS WALK) LAUNDRY YARD AND PART OF CALEDONIA STREET, REGENT QUARTER, KINGS CROSS, LONDON N1 (Item B3)

Refurbishment of existing buildings; partial demolition and infill extensions to the southern, northern courtyard and western elevations at ground, first, second, third and fourth floor level and one storey roof extensions to provide additional Class E(g)(i) Office floorspace at Times House; removal of plant room and entrance, alteration to the elevations and enlargement of existing windows to Laundry Building; further works include the provision of three flexible Food and Drink (Class E (b)) and/or Bar/Drinking Establishment (Sui Generis) units, and four Retail (Class E (a)) units at ground floor level; provision of outdoor terraces at first, fourth and fifth floor levels, basement cycle storage and associated facilities, green roofs, plant at basement and roof level; public realm works to Laundry Yard and infrastructure and related works, and new cycle parking on Caledonia Street.

(Planning application number: P2021/2269/FUL)

In the discussion the following points were made:

- The Planning Officer reminded the meeting that item was deferred from the meeting of 22 February 2022 that Members expressed similar concerns raised with the Jahn court application.
- Item was deferred in order for the applicant to review the massing of the building in order for betterments to the daylight and sunlight transgressions, to reduce perceived harm to neighbouring amenity and to reduce the heritage impacts.
- Meeting was advised that since report was published officers had received one further representations however officers were of the view that issues

Planning Committee - 7 June 2022

were not of material considerations and had already been covered in the report.

- The Planning Officer advised that if planning permission is granted by Committee, an Estate Management Plan to protect the amenity of neighbouring residential amenity is to be included, highlighting in particular the management arrangement for the ground floor commercial uses within Times House and Laundry Buildings
- Meeting was advised that the building massing has now been reduced by setting back the floors and floor uplift reduced by 164sqm. In addition members were advised that in light of the reductions and revisions to the scheme it is noticeable that there are few transgressions with regards to daylight and sunlight impacts. The revised scheme has also secured an improved affordable workspace with an extended lease from 10years to 20 years, an uplift of space by 15% on this site.
- With regards to residents objections to loss of informal cycle storage, the meeting was advised that scheme now provides 10 dedicated cycle spaces within the basement of Times House for the residents of Regents Quarter to be secured by condition.
- The Planning Officer advised that in light of the above revisions, officers have re assessed the planning balance of the scheme and have concluded that the adverse impacts of the development is now reduced, that the scheme will cause less than substantial harm to heritage assets, that a reduction in height will reduce neighbouring amenity impacts and is now closer to BRE compliance in terms of its impact on daylight received by windows and rooms. The Planning Officer reiterated some of the benefits of the scheme in particular an uplift in commercial floor space, flexible active use unit and greater activation of York Way and on-site Affordable workspace unit for a longer lease from 10years to 20 years
- Members were also reminded that in comparison with the previous scheme of February 22, the visibility from Caledonia Road and public realm is significantly reduced.
- Objector was concerned that the scheme still remains unsympathetic to neighbouring listed building, with no plans to mitigate noise and pollution concerns or a potential increase in the footfall. Objector was concerned that in light of the ongoing anti-social activities around the area, the scheme fails to sufficiently address it especially as licensing conditions attached to retail units and drinking establishments were not being enforced. In addition objector was disappointed with the lack of consultation with residents despite committee's suggestion at the previous meeting. Objector noted that scheme fails to meet both the Council's greening and emission targets for delivering a greener and cleaner community, requesting the committee to refuse granting planning permission.
- Another objector was concerned that precedence was being set if scheme is granted planning permission, noting that it is an overdeveloped site which will result in no benefit for both Jahn Court and Times House residents. Objector questioned the need for office space reminding members of post covid times and changes to working arrangements and nearby vacant office buildings as evidence of no justification for the scheme.

- Another resident representing a local resident group noted that the revised application before committee was not informed by any input provided from the 40 residents. The objector reiterated earlier objectors concerns of no demand for office space, that the scheme fails to address the concerns of businesses on Caledonia road as it introduces more competition in an area where most businesses are struggling and the loss of cycle spaces could not be viewed as beneficial to residents.
- In response the agent indicated that the team had taken on board resident's and stakeholder's concerns and had made changes as requested by the Committee. The agent reiterated the key amendments to the scheme, noting the reduction of height and massing, that in general there has been a reduction across the building of 0.5metres. The agent stated that in light of the reductions to the height and massing, there has been a significant improvement to daylight sunlight levels to the surrounding residential properties.
- On the issue of service charges raised by objectors regarding cycle storage, the agent acknowledged that in light of the revised scheme and the provision of cycle spaces, charging arrangements will be revisited going forward.
- During deliberation, the Chair reminded the meeting that the issues with this application are similar to Jahn Court, acknowledging that the reduction in height and massing has had a significant impact in terms of visual impact
- A Member welcomed the provision of affordable workspace and the extended lease, that the daylight and sunlight concerns had been addressed and that the few transgressions is to be welcomed.
- Member reiterated an earlier suggestion that the wording of the Estate Management plan be reworded to that similar to the Jahn Court application so as to protect the amenity of neighbouring residential occupiers.

Councillor Klute proposed a motion to grant planning permission. 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, planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report and the additional condition 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.

22 HOSTEL AND PREMISES, 38-44 ISLINGTON PARK STREET, LONDON N1 1PX (Item B4)

Change of use of existing HMO (House of Multiple Occupation) to allow for the creation of 7 no. self-contained residential units (3 no. 1-bed flats, 1 no. 2 bed flats, 2 no. 3 bed houses and 1 no. 5 bed house). Excavation at lower ground floor level

to increase the floor to ceiling heights and enlarge existing rear lightwells. Alterations to front and rear elevations including installation of metal railings, new access gates and proposed landscaping, refuse and cycle parking provision, and other associated works.

(Planning application number: P2019/2651/FUL)

Cllr Klute, Poyser, Convery, and Clarke were involved in the consideration of this item on the basis they were members of the committee that originally considered the application.

In the discussion the following points were made:

- The Planning officer informed the meeting that since the publication of the agenda, additional representations had been received however no new issues were raised except in relation to reinstating the highway conditions in the Head of Terms.
- Meeting was advised that between the granting of Planning permission and issuing of the decision notice, additional representations had been received raising a number of concerns with the proposal, including the request for a revised Site Location Plan and the proposed ground floor plan showing alterations to the position of the proposed refuse and cycle storage, which has been submitted and further consultation carried.
- The Planning Officer advised that 6 objections were received from neighbours, representations which are noted in paragraph 6.5 of the report and that in response applicant has made changes notably that No 38 Islington Park Street is now included within the boundary and changes to the ground floor plan relates to the location of the refuse storage and cycle storage to the 3 houses on the left hand side of the site and the flats within No 44.
- Another area of concern is in relation to the access through the site via Islington Park Street to the rear, with neighbouring residents describing it as a right of way. In response the Legal Officer advised that the access route at the rear is not a public right of way and therefore no highway implications for the committee to consider.
- Meeting was advised of the relocation of the refuse storage for the 3 houses to the front and the refuse storage of the flats to be retained to the rear but set back from the rear gardens. The cycle storage has been submitted as part of the application and has been conditioned.
- Another resident living next to the application site raised concerns about the location of the bin storage at No 38 and its impact on listed railings.
- Another neighbouring resident requested committee refuse granting permission on grounds of plans to pave over large parts of the green space of the property to the rear of the family which is out of character to other properties in the area.
- Objector was concerned that despite assurances regarding the siting of the bins and bicycle storage units to the front by Planning officers, it was disappointing that officer recommendations to the applicant had not been adopted in the latest revised proposal

Planning Committee - 7 June 2022

- Another resident highlighted concern about the secluded bike storage in light of the prevailing anti-social behaviour activities in the area and level of noise that the scheme will attract.
- In response the agent reiterated that the essence of the scheme is to bring back a vacant building into use for social rented housing.
- With regard to the listed building concerns, the agent advised that there are no proposals to introduce brick work despite its presence on the drawing plans, that issues around external boundary treatment and bin stores will be addressed via conditions to ensure that it is sympathetic to the frontage of the property.
- With regard to the siting of refuse and bicycle storage, the agent reiterated that although not privy to communications between planning officers and residents, it was agreed from a practical point that the front of the house would not be big enough to accommodate useable bicycles storage and refuse storage. An option on whether bicycles could be taken through the houses was considered but it was noted that there is no linear route through the house so not regarded as a suitable option.
- In terms of seclusion and crimes, the agent reiterated that One Housing Group is willing to consider putting additional measures in place to help reduce crime in the area such as lighting.
- Members were reminded that refuse and cycle parking is a necessary part of providing quality housing accommodation, reassuring the committee that as landlords, One Housing Group will be managing the property so it will ensure it is used properly and address any anti- social concerns.
- On the practicality of relocating the refuse bin to the front for collection, meeting was advised that refuse collection is normally through the access route at the rear boundary of the property, reminding members that 3 of the refuse will be to the front and the large refuse bins for the flats will be at the rear.
- With regard to the history of the bin layout, Planning Officer acknowledged previous correspondence with the residents but reiterated that having considered its impact on the Barnsbury Conservation area and the size of the units and space available it was considered that the proposed siting was the best option, reminding members that there is no policy requirement to site such units in the front of the property.
- In response to concerns of the impact of the bins on the railings of No 36, the Chair proposed a motion requesting that the bins be moved at least 900mm away from the boundary. This motion was seconded by Councillor Clarke and was agreed that the wording of condition 6 be amended by officers to reflect this motion.
- During deliberation, the chair welcomed the materiality of the condition as suggested by the applicant, and that considering the footprint of the units and the space it will take up, it would not be appropriate to put both units in the front especially with the height of the units and its impact on Barnsbury Conservation Area.
- A member welcomed the scheme stating that in light of recent trends in the borough where houses are converting their front gardens into drive ways,

the siting of cycle storages in front of properties would be ideal for cycle security, discourage car ownership and encourage more cycling.

- Members agreed to delegate the wording of condition 6 to officers in order to mitigate impact of the proposal on the railing of No 36 resident and that the refuse bins for No 44 be relocated to the front of the property.

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 amended condition stated 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

23

30 BASTWICK STREET, LONDON EC1V 3 PS (Item B5)

Demolition of existing building and construction of a four-storey building (with basement levels) comprising Office use (Class E) with associated works

(Planning application number: P2021/1692/FUL)

Only Councillors Klute, Poyser, Jackson, North and Convery were involved in the consideration of this item on the basis they were members of the committee that originally considered the application.

In the discussion the following points were made:

- Meeting was advised that since publication of report, no additional representations had been received noting that the number of objectors still remain as 35.
- The Planning Officer advised that since the committee meeting of 4 April the applicant has further revised the scheme, noting that although the floor plan for the first floor still remain as previously proposed, the roof along the boundary has been amended from a flat roof to a pitched roof which adjoins the neighbouring external amenity spaces at first floor level to Pietra Lara. The height of the resulting rear wall will now match that of the existing wall boundary with the amenity areas whilst the pitched roof will reduce the massing above.
- Members were advised that the pitched roof will therefore reduce the scale of the proposed building and reduce the feeling of a sense of enclosure and that the step back approach addresses the concern of residents in terms of impact on resident amenity.

Planning Committee - 7 June 2022

- Members were reminded that although the proposal includes dedicated SME floor space with the provision of 4 units at basement level measuring a total of 281sqm, equating 15.8% of the overall GIA, it still remains as previously proposed. However, due to the decrease of overall office space above and given further setbacks the proportion of the SME floor space has now increased to 16.5% GIA.
- With regard to daylight assessment, the Planning Officer noted that the quantum of reductions beyond BRE guidance has now significantly reduced particularly the Pietra Lara building, that although the previous scheme had 3 windows with transgressions beyond BRE guidance in VSC, all windows now meet BRE guidance, whilst for NSL, the number of transgressions has been reduced from 6 to 5 with betterments to the rooms.
- It was noted that with regards to Pietra Lara there are now no BRE transgressions to both VSC and NSL, that the transgression is either VSC or NSL and not both.
- In the case of 26, 27 and 29 Bastwick Street, the Planning Officer acknowledged that the reductions have resulted in minor improvements, with regards to 37 Bastwick Street, there is one slight improvement to the 3rd floor window, however in the case of 41 Central Street there have been no betterments so remains as previously proposed.
- The Planning Officer acknowledged that in regard to sunlight, transgressions have been reduced and there has been a slight betterment in regard to overshadowing of the garden of 45 Central Street although it does not meet BRE guidance.
- The Planning Officer noted that following suggestions at previous meetings, Officers have amended conditions 11 and 12 respectively to address the times for delivery to be restricted to daytime hours only 07.00-2300 and for construction activities to be permitted Monday to Friday and no Saturday activities.
- In response to a question about reconsultation on the revised scheme, the Planning Officer stated that there is no statutory requirement for consultation as changes in the revised scheme were changes to do with the betterment of the scheme.
- An Objector acknowledged the possible improvement to daylight loss as a result of the proposed pitched roof but reminded meeting that there here are still issues with the massing at the back; that these marginal changes will only result in marginal benefits. The Objector was concerned that he was unable to access developers plan, reminding committee that Pietra Lara built in 2000 is not an old development, noting that committee request for the applicant to reduce the density concerns has not been addressed and urged members to reject the application as it was too dense a development.
- A resident of Bastwick Street representing the 12 flats in a neighbouring block west of the proposed building had concerns about the proposals darkening its neighbours, that at the meeting in February, members deferred specifically for the applicant to explore ways of reducing the darkening. Objector reminded Committee that at the April meeting, the Chair stated that modifications to the scheme had produced little improvements, noting that considering the applicant was able to half the "light violations" to rooms and

Planning Committee - 7 June 2022

windows from 16 to 8 within the revised scheme indicates more could be done especially as this was achieved with the loss of 3% in floor space.

- Another objector also noted the impact of the scheme on the garden at 45 Central Street which loses all its sunlight, requesting more could be done to resolve the impact of neighbouring amenity by reducing the massing. Objector had concerns about the light survey results due to its inconsistencies and inaccuracies stating that scheme should not be approved on those basis. Another neighbouring resident informed the meeting that the revised scheme did not take into account resident's views as was suggested by members at the last meeting when item was deferred and requested a refusal outright. The Objector acknowledged that he expected some of light as a result of the scheme but not a total loss of light reminding members that in the Officers report, it was acknowledged that 8 windows still have light transgressions.
- Objector informed the meeting that after every deferral, developers resubmitted another revised scheme by shaving off slices of the blocks with the hope that committee will eventually grant planning permission, that this is not an innovative approach, especially as the revised scheme is not keeping with the character of the area, that the developer had not taken on board comments regarding its design from objectors or councillors at any point of the whole process.
- Councillor Graham noted that despite a number of deferrals as a result of reported inaccuracies with submitted plans and illustrations and residents' concerns, the scheme still fails to address amenity issues of existing and neighbouring residents, that the developer has treated the committee with contempt from the onset and should be rejected especially as developer had been given sufficient opportunities to improve the scheme and have failed substantially, that the developers must have hoped that by introducing minor changes, the committee will be minded eventually to agree planning permission, noting that there is no reason for this block to be built in that location.
- On the issue of lack of consultation, the agent informed the meeting that this was carried out by way of door knocking and virtual consultations in May 2020, that face to face meetings with individuals were held for those who could not make those sessions and the team have attended committee meetings both in February and April responding to concerns raised by residents and members.
- Meeting was reminded by the Planning Agent that the scheme will create 200 jobs, rejecting the argument that there are vacant offices nearby and no demand for office space.
- Members were advised that the proposal will produce a high percentage of SME floor space, noting that this is a building of approximately 60 years old and clearly a development site, that the revised scheme will address the sense of enclosure concerns with the setbacks introduced and also cut back to the top floor significantly which ensures that the BRE guidelines are adhered to reminding the meeting that this a tight and difficult site and team have been aware since the pre-application stage in Dec 2020 daylight and sunlight would be the key issue.

Planning Committee - 7 June 2022

- Members were advised that in terms of daylight sunlight issues, since the April meeting a number of changes to the proposal have resulted in an improvement, that in comparison to the previous scheme of the 221 main habitable room windows tested only 2 windows fall short of the BRE VSC component test result which is at 37 central street and that it is important to note that these are marginal shortfalls in some of the windows.
- In terms of daylight distribution all of the room pass the test with the exception of 7 rooms, and with the exception of 2 windows, all other neighbouring windows meet the VSC test which indicates all of the windows receive sufficient light and that the design of the single aspect room that prevent the scheme from meeting the daylight distribution recommendations.
- The Planning Agent noted that in terms of sunlight, there has been some betterments in the result to the scheme, that all of the windows pass with the exception of 5 windows. However these windows don't appear to be serving main living rooms and a number of them serve bedrooms.
- On the issue of overshadowing of gardens and open spaces the agent disputed the assertion that 45 Central Street would be plunged into darkness as the test on whether it receives 2 hrs of sunlight on 21 March is given as an average for the year and it means that during the summer months it receives more than 2 hours of sunlight.
- In response to a question on whether the living room windows in the Pietra Lara building that face the proposed site were dual or single aspect, the Planning Officer indicated that from the floor plans, the 2 flats within the central element of Pietra Lara were single aspect looking out to the back whereas the 2 on the flank of the building do benefit from dual aspect, with front and rear outlook.
- In addition to the above, the Planning Officer stated that with regards to flat 2 which lies to the eastern most side of the site it has both front and back dual aspect for the living kitchen diner but with regards to flat 5 on the other side which is closer to No 44 Pear street it is dual aspect as a unit but not as a room so it has either the living room or the bedroom at the back.
- The Chair reiterated that item was deferred mainly on the issues of sunlight daylight and a sense of enclosure, noting that although there has been some inroads most of the concerns have not been sufficiently addressed properly. The Chair was also concerned that the only view for Pietra Lara residents would be only through the rear of the building straight on to the proposed site and that it appears that in an attempt by the applicant to address the sunlight daylight issues, the changes have made the design worse and that the cutbacks have actually resulted in an increased sense of enclosure for residents due to the bunker-like quality of the rear elevation.
- A member acknowledged some betterments to daylight and sunlight concerns however some issues still exist especially to the rear elevation.
- Another member stated that since the last meeting nothing significant has been done to what was previously considered in February that issues of design still remain and nothing to address the issues raised by residents and it appears that the design of the scheme does not appear to suit the area.

Planning Committee - 7 June 2022

- A Member acknowledged that although the applicant had made incremental changes to improve the design, the scheme cannot be viewed as a coherent scheme, that the small cutbacks and setbacks appear inadequate.
- The Chair in summary noted that although the previous reasons for deferral were limited, the opportunity to address those previous reasons have now generated more problems for the scheme in terms of poor design, an unreasonable sense of enclosure, massing, continued daylight and sunlight issues and overshadowing of gardens, noting that these issues have not been properly addressed by the scheme.

Councillor Klute promised a motion to refuse planning application on the basis of reasons stated above. This was seconded by Councillor Poyser and carried.

RESOLVED:

That planning permission be refused for the reasons set out above, the wording of which was delegated to officers.

The meeting ended at 11.30 pm

CHAIR