

London Borough of Islington

Planning Committee - 22 June 2023

Minutes of the meeting of the Planning Committee held at Council Chamber, Town Hall, Upper Street, N1 2UD on 22 June 2023 at 7.30 pm.

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

Also Present: **Councillors:**

Councillor Martin Klute in the Chair

49 **INTRODUCTIONS (Item A1)**

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

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

Apologies were received from Councillor Clarke.

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

There were no declarations of substitute members.

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

There were no declarations of interest.

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

The order of business would be B2/B3 and B1

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

RESOLVED:

That the minutes of the meeting held on 22 May be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

55 **129-133 FONTHILL ROAD AND 13-14 GOODWIN STREET LONDON N4 (Item B1)**

Demolition of existing buildings and erection of a pair of 5- storey buildings plus basements comprising 4 retail units and 1 mixed retail/cafe unit up to 742sq.m, flexible employment space up to 878sq.m and 8 self-contained flats, together with cycle and refuse storage
(Planning application number: P2023/0007/FUL)

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In the discussion the following points were made:

- The Planning Officer updated that the Heads of Terms set out in paragraph 15.29 of the officer report are to be included in the Appendix 1 of the report as they were omitted.
- In terms of key planning consideration, the Planning Officer advised the meeting that the main issues arising from the proposal relate to, Land Use; Design & Conservation; Affordable Housing; Quality of Accommodation; Neighbouring Amenity and Energy & Sustainability.
- In terms of land use, meeting was advised Planning permission is sought for the redevelopment of 129 – 133 Fonthill Road and 13- 14 Goodwin Street to provide a more effective and enhanced mixed use offer for the site, that the proposed development would maintain three separate shop units at the ground floor on Fonthill Road and the creation of new active frontages to Goodwin Street accommodating flexible town centre uses including retail and food and drink.
- In addition to the above the meeting was advised that the proposed development also seeks to deliver a small net addition of office floorspace which would, in any case constitute modern good condition floorspace demonstrating a significant improvement over the current provision. The scheme would also include residential P-RPT-COM-Main accommodation which is not currently on site but has benefited from planning consent in earlier planning applications.
- With regard to retail provision, the Planning Officer informed the meeting that the existing retail is currently provided at 129, 131 and 133 Fonthill Road at the ground floor only, with no retail on upper floors and no retail within the Goodwin Street frontages, however the proposed development seeks to provide basement floorspace dedicated to the retail use, reprovide three shop units at 129, 131 and 133 Fonthill Road and provide retail floorspace for the first time on the Goodwin Street frontage. This results in an increase from the existing 243sq.m to 555sq.m of retail floorspace, which constitutes a net increase of 312sq.m. This is a significant increase on the previous consent (P2021/1955/FUL) where the retail floorspace increased from 336sq.m to 440sq.m (which included the additional café use under E(b)).
- Meeting was advised that the scheme also proposes a significant provision of basement floorspace for the development to be dedicated to retail floorspace and that this additional provision is essential to provide ancillary floorspace to the retail use and is supported. This has the potential to make a contribution to the preservation of the specialist shopping character of the street by being used as a workshop to make clothing which underpins the specialism of the street.
- The Scheme maintains and increases town centre retail floor space, increases office floor space and employment offer and provides sustainably located town centre residential accommodation
- With regards to residential development, the scheme proposes the provision of 8no self-contained units which are to be laid out on the first, second, third and fourth floor levels at 13 – 15 Goodwin Street. It was noted that the site currently has no residential use although the Council has previously sought to

resist residential units within the building through numerous planning application. However, the designation of the site allocation which introduces a residential element to the scheme now implies that this proposed use would be acceptable.

- In addition to the above meeting was advised that the applicant has also demonstrated that the primary and secondary bedroom sizes, along with internal storage and external amenity areas also exceed the thresholds. Each of the new units are genuinely dual aspect to north west and southeast. With the exception of one unit, the remaining seven all have the living space facing southeast which would be the optimum outlook.
- With regards to scheme not being able to offer small site contributions, the Planning Officer advised that applicant had submitted a viability assessment demonstrating a deficit of £150,000, that the Council's appointed assessor has demonstrated that the scheme is in deficit due to a higher than first expected benchmark land value.
- In light of the above, Members were advised that BPS have recommended that a pre-implementation and a late stage review viability assessment should be carried out and thus secured through a Section 106 legal agreement.
- In terms of massing and appearance , the Planning Officer noted that taking into account the previous applications on the site, the development proposed now is a comprehensive redevelopment that addresses both the site and the local context holistically, that the various components of the site are now stitched in together across various facades and elevations and the scheme also relates to similar buildings which make a positive contribution to the streetscene.
- In terms of elevational treatment and materiality, meeting was advised that it is recommended that details of materials including elevational materials, construction detailing for balconies, windows, shopfronts and rooftop plant should be secured through planning condition prior to the commencement of development. In addition planning officer stated that it is considered that the proposed development constitutes a significant improvement on the character and appearance of the streetscene.
- On the quality of accommodation, the Planning Officer advised that One unit (12%) is designed to be constructed to M4(3) standard, that all units exceed internal size thresholds, that all units are provided with minimum or above external private amenity space, that all units are dual aspect and all units benefit from above compliance levels daylight and sunlight.
- In terms of daylight and sunlight, meeting was advised that all units meet daylight illumination levels and all units meet exposure to sunlight levels, that as scheme is sufficiently set away from neighbouring residential properties in general there is no sense of enclosure, that any overlooking and loss of privacy will be subject to conditions requiring overlooking mitigation measures on key elevations.
- It was noted that the nearest residential property to the site is located at 135 Fonthill Road where there are four flats within the building and 5 Goodwin Street which is separated from the application site by a service yard and that while it is unclear what the internal layout of 135 Fonthill Road is, it would

appear that there are no habitable rooms within the rear elevation of the first floor level rear projection, that views from the upper level flats would either be too acute to give rise to meaningful overlooking or would be too distant from screen balconies over 12m away.

- In terms of highway impact, Planning Officer stated that the proposal is car-free with no on-site car parking provided whilst parking near the site is restricted through controlled parking zones. As such, the vast majority of trips to and from the site would be taken via public transport, such as tube/underground, trains and buses. It was also noted that the level of overall trips generated by the uplift in floorspace of the proposed development is not considered significant and is not expected to have a material impact on local highways or the public transport network.
- On the scheme's energy and sustainability, the Planning Officer advised that in terms of carbon emissions, there will be a 48.9% reduction in regulated CO2 emissions under Part L 2021 and 27.4% reduction in total emissions; also a carbon offset contribution of £21388. It was also noted that in terms of sustainable design standards, the scheme will achieve BREEAM excellent, that there will be rain/greywater harvesting, and erection of green blue roof.
- In terms of Be Lean, scheme will meet U-values or improve upon recommendations of Islington's Environmental Design SPD; certified exhaust air heat pump to provide mechanical ventilation and heating/hot water provision is proposed. 35% reduction through Be-Lean.
- In addition to the above Air Source Heat Pumps have been proposed to provide heating, that mechanical cooling will be required; that, PV panels are proposed to be included as part of this development and the scheme presently has a UGF Score of 0.3 which exceeds the limit.
- In terms of planning balance, the Planning acknowledged that although the scheme to a certain degree is in conflict with local policies H3, planning benefits such as maintaining, expanding and enhancing retail, the improvement of office and employment floor spaces, provision of additional sustainable town centre high quality residential accommodation etc outweigh any negative impact of the scheme.
- In summary, members noted their disappointment with the lack of small site contributions, that there were no issues regarding daylight sunlight loss and welcoming the review mechanisms secured in the legal agreement.

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

amended 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 amended Appendix 1 of the officer report.

56 **FORMER NORTH LONDON MAIL CENTRE, 116-118 UPPER STREET, LONDON N1 1AA (Item B2)**

Application under Section 73 (minor material amendment) of the Town and Country Planning Act (1990) to amend condition 16 and condition 17 of planning permission ref: P2018/2463/S73, dated 5 December 2019, that granted: Application under Section 73 (minor material amendment) of the Town and Country Planning Act (1990) to amend condition 2 (approved drawings and documents), condition 1 (plans) of planning permission ref: P2013/2697/S73. (The proposed minor material amendments relate to the amalgamation of 10 units across second, third, fourth and fifth floors resulting in the creation of larger units (and involving the loss of 5 units overall) within Block A, together with layout changes to existing ground floor retail units 5 and 6.) The proposed amendments seek to vary the wording of condition 16 and condition 17 to allow vehicles servicing the commercial tenants of Islington Square to enter and leave the site via the Almeida Street access. The Studd Street access would be used only to access the residential parking at Blocks A and B and for vehicles servicing the apartments on the site.

(Planning application number: P2021/3433/S73)

In the discussion the following points were made:

- Planning Officer informed the meeting that as both items B2 and B3 are interlinked and are on the same site it will be assessed together.
A number of updates provided by the Planning Officer, that Heads of Terms is to be included in the Appendix 1 of the report as it was omitted and it should read 'That planning permission be granted subject to the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 between the Council and all persons with an interest in the red land and the blue land (including mortgagees) in order to secure the following planning obligations to the satisfaction of the Head of Law and Public Services and the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service' : The submission of a delivery and servicing plan (DSP) to be approved by the Council in writing (in consultation with TfL) (including a review mechanism) prior to commencement of the development and the reversion at the end of the temporary planning permission period to the previous (i.e. one-way) delivery and servicing arrangements' .
- Meeting was advised that site comprises mixed-use redevelopment including residential, retail, commercial and leisure uses, that there are number of elements which make up the wider Islington Square site, including the former sorting office block (Block A), the former distribution building (Block B) a part-six/part-seven storey new build (Block C), the Grade II listed Post

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Office fronting Upper Street at No. 116 Upper Street (Block D) and the single storey associated buildings at the northern end of the site (Block F).

- In addition to the above, the Planning Officer noted that all of the buildings had been subject of historic planning approvals for change of use, conversion and extension to provide for a mixed use development and the site falls within the boundaries of the Upper Street (North) Conservation Area (CA19) while the wider sites northern, southern and western boundaries meet the Barnsbury Conservation Area (CA10).
- It was also noted that the surrounding area is mixed use in character and form, with commercial development along Upper Street and residential in the streets to the west of Upper Street, including Studd Street, Moon Street and Almeida Street.
- Members were advised that applicants are seeking to amend two conditions relating to planning permission P2018/2463/S73, dated 5 December 2019, that the proposed amendments seek to vary the wording of condition 16 and condition 17 to allow vehicles servicing the commercial tenants of Islington Square to enter and leave the site via the Almeida Street access. In addition Studd Street access would be used only to access the residential parking at Blocks A and B and for vehicles servicing the apartments on the site.
- On the proposed amendment to conditions 16 and 17, the Planning Officer advised that this seeks to facilitate the vehicle movement via Almeida and Studd Street and that applicants are seeking for the measures to be in place only for a temporary period until 14th August 2024.
- Proposed condition 16 relates to vehicles servicing the commercial tenants of Islington Square shall only enter and leave the site via Almeida Street access, that no traffic associated with the commercial tenants shall use the Studd Street access.
- Condition 17 require details of measures including signage, barriers, traffic lights, intercom and any other relevant measures required to implement the temporary two-way vehicle access arrangements at Studd Street and Almeida to be submitted and approved in writing by the Local Planning Authority.
- With regards to item B3, Islington Square, operation of the Boulevard Market in Esther Anne Place (the piazza) of Islington Square on Fridays, Saturdays and Sundays and Bank Holidays meeting was advised that applicant is seeking a temporary consent.
- Planning Officer advised that items B2 & B3 have been assessed together on issues such as land use, design and conservation, operation management and highway issues and impact on neighbouring amenity.
- On land use consideration, meeting was advised that the Market is acceptable in principle as the site is located within the Angel Town Centre where new markets are encouraged, that this will result in increased footfall and help to maintain and enhance the retail function of the town centre.
- It was also noted that the market would enhance the longer-term vitality and viability of the other businesses within the Islington Square development, that the market's retail offer and its location is not regarded as a commercial risk to the vitality and viability of existing markets at Chapel Market or Camden Passage.

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- In terms of design and conservation, meeting was advised that site is within the Upper Street North Conservation Area, that the market is supported by Design and Conservation Officers in principle as it would preserve the lively retail nature of the area and that the temporary market stalls would be designed to a consistent branding and quality.
- It was also noted that the operation of the market and its associated structures are not considered to cause harm to the character and appearance of the conservation area.
- In terms of the management of the market, Planning Officer reiterated the operation hours as detailed in the report as Fridays (12:00- 19:00), Saturday (10:00-17:00) and Sunday and Bank Holidays: (11:00-17:00). In terms of the operating hours of the market set up and dismantling of the market stalls , Friday : 08:00- 20:00, Saturday : 08:00-18:00 and Sunday and Bank Holidays :09:00 -18:00.
- Meeting was advised that changes to servicing and delivery arrangements would result in the rebalancing of trips into and out of the site, noting that although the overall number of trips would be unchanged as the uses remain unchanged it would result in the reduction in commercial vehicle trips along Studd Street and an increase in commercial trips along Almeida Street.
- In terms of the neighbouring amenity impacts, the Planning Officer highlighted the concerns of residents of Studd Street/Moon Street, Almeida Street and Islington Square and included issues such as noise and disturbance, fumes and pollution and parking congestion and traffic management.
- With regards to noise and disturbances due to vehicle movements in and around the site, market set ups, operations and pack up and servicing and delivery to commercial units, fumes and pollution meeting was advised of the applicants Parking Congestion and Traffic Management to address any concerns.
- In terms of amenity impacts, meeting was reminded that Studd Street is a narrow one-way residential road with parking along one side and terraced houses fronting immediately onto the pavement, noting complaints from neighbouring residents received by Planning Enforcement around the Studd Street entrance due to noise nuisance as a result of vehicles reversing from unauthorised early morning/late night deliveries and traffic movement associated with the commercial tenants outside permitted hours.
- It was also noted that the removal of commercial traffic from the narrow Studd Street access would be considered a benefit by some of the residents at Studd Street and the eastern end of Moon Street.
- It was noted that the proposed two-way movements from the Studd Street access would require vehicles leaving the site to turn right into Moon Street, which currently should not receive traffic associated with the Islington Square development. Also as Moon Street is a narrow residential road with terraced houses fronting immediately on to the pavement and parking along one side, the proposal would therefore result in an increase in vehicles using Moon Street, albeit those associated with the residential element (private cars, taxis, delivery vans etc.). Nevertheless, this raises the potential for

residents living along Moon Street experiencing noise and disturbance from an increase in traffic.

- Meeting was advised that it is being proposed that the Almeida Street access would take all the commercial traffic associated with delivery and serving at the site. It was also noted that there are also on street delivery bays associated with the commercial activity at the junction with Upper Street and the Almeida Theatre, that Highways have raised concerns that Almeida Street is not wide enough to accommodate two-way traffic for large delivery vehicles, which could result in large vehicles either reversing down Almeida Street or reversing back onto Upper Street.
- Planning Officer stated that Almeida Street access is wider than the Studd Street access and is therefore arguably better equipped to act as a site entrance for frequent commercial traffic and larger commercial vehicles, that the more generous width of the Almeida Street entrance road would accommodate an onsite holding bay for a delivery vehicle, rather than vehicles having to back up onto Almeida Street. This access point is also closer to the ramp for the large basement servicing area beneath the site.
- With regards to the Islington Square development, the Planning Officer noted that the proposed amendments would remove the one-way servicing arrangement from Esther Anne Place, resulting in fewer vehicle trips running through the centre of the site past the centrally located residential properties, noting that there would be an intensification of vehicle activity at the southern end of Esther Anne Place adjacent to the Studd Street access where vehicles may have to wait briefly before being signalled to move-away. Likewise, the northern end of Esther Anne place would experience potential noise and disturbance from an intensification of commercial vehicles coming and going to the basement servicing yard.
- Meeting was advised that the proposed changes to the access arrangements would also free up the servicing road through the centre of the site and allow the applicant to close Esther Anne Place to hold street markets and potentially other events aimed at increasing footfall and supporting commercial activity within the site.
- Meeting was advised that separate consultation was carried out on each of the sites and in both instances 7 objections raised issues such as noise and nuisance to local residents; impeding pedestrian access to the shops and cafes; Almeida street not being wide enough to allow commercial vehicles to pass and too narrow for large lorries; narrow pavement creating an increased safety risk to children attending nearby nurseries
- Similarly with regards to Studd Street, concerns as a result of the proposed amendments include increase in noise and disturbance, narrow for vehicles to enter and leave through, that it is more suited to commercial access (rather than Almeida Street), being further from the pedestrianised section of Esther Ann Place and also better able to cope having a one way system which then feeds onto Theberton Street.
- The Planning Officer advised that 13 letters of support were received with comments that the proposal will support the vitality and viability of Angel Town Centre and Islington Square; that there would be no harm the character and appearance of the Upper Street North Conservation Area; that

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amenity impacts would be carefully managed through hours restrictions, operational management plans and delivery and servicing controls

- The Planning Officer reiterated that both consents are seeking limit to a temporary period to monitor operational controls and any undue impacts.
- Concerns have been raised by Highways Officers that the proposed changes could create highway safety issues along Almeida Street/ Upper Street and unduly increase the experiences of noise and disturbance to residents to the north of the site. The proposal could also implicate additional residents to the south at Moon Street with undue amenity impacts from an increase in vehicle traffic.
- As such, taking into consideration the Town Centre location and the issues with the existing servicing arrangements, trialling the proposed changes through a temporary consent is considered to be reasonable in this instance given the specific circumstances. This would enable the impacts on highway safety and the amenity of neighbouring residents to be monitored and reviewed before a permanent change to the servicing arrangements is considered.
- A resident and Chair of the Residents Association of Studd/Moon Street welcomed the scheme but reminded members that the site has a history of non-compliance especially with monitoring and enforcement of delivery vehicles within the site and surrounding area, requesting that changes to the route would need to be rigorously enforced.
- Objector welcomed the suggestion that the introduction of a two way route would be trialled for over a year and had concerns with inadequate signage and its visibility which needs to be addressed, and had concerns about damage to trees by large vehicles moving around the site and noise and pollution which has an adverse impact on the amenity of residents.
- Another resident living close to the barrier at Studd Street raised issues about its management, with cyclist using pavements and raising concerns about safety of pedestrians and residents. Also resident suggested that if committee is minded to grant planning permission, that vehicles waiting behind the barrier should be encouraged to turn off their engines
- The agent in response stated that the proposals will allow for the segregation of deliveries and vehicle movements to the commercial units from those going to the residential units, that the existing 'one-way' vehicle route through the centre of the site would be ended and the access points at Studd Street and Almeida Street would operate as 'two-way'. Agent welcomed the trial period of a year and confident that changes being proposed would benefit both residents and commercial occupiers of both sites.
- During deliberations, Chair noted that there were no concerns with and around the market but with the management of the traffic on site, reiterating developers argument that the new proposals would lead to improvements within the two sites. The Chair also noted the proposed changes and its impact to neighbours who live close to the site. In addition the Chair suggested that if minded to approve, the temporary trial period should be increased to a 18 month period so as to allow applicants sufficient time to put the measures in place and for officers to monitor its effectiveness.

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- A member welcomed the experimental scheme and encouraged applicants to engage with residents in particular on improving signage for cyclist which has been a long standing issue with residents. Chair moved a motion to amend the heads of terms to include a traffic management order, Cllr North seconded the motion. The wording of this to be delegated to officers.
- The Chair's suggestion to be involved in the review process of the Operation Management Plan before its submission for approval and prior to commencement as noted in condition 9 was agreed by the Committee.
- On the issue of a possible Traffic Management Order (TMO), Chair noted residents contribution stating that if required residents will have an opportunity to participate in a public consultation.

Councillor Klute proposed a motion to grant planning permission subject to the amended conditions and the inclusion of the heads of terms in the legal agreement. 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 amended conditions and informatives set out in amended 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 the amended Appendix 1 of the officer report.

57 ISLINGTON SQUARE ESTHER ANNE PLACE LONDON N1 1WL (Item B3)

Please note that item was considered with item B2, Former North London Mail Centre, 116-118 Upper Street

- Chair moved a motion to amend the heads of terms to include a traffic management order, Cllr North seconded the motion. The wording of this to be delegated to officers.
- It was raised by officers that the wording of Condition 9 Operational Management Plan (Compliance) be changed so that notwithstanding the submitted Draft Operational Management Plan, a further detailed plan be submitted and agreed by officers prior to the operation of the market. The wording of this to be delegated to officers.
- With regard to condition 7, committee agreed for the wording to be amended to include the supervision of market related traffic. Chair moved the motion to amend the wording and it was seconded by Cllr Hayes
- Councillor Klute proposed a motion to grant planning permission subject to the amended conditions and the inclusion of the Head of Terms in the legal agreement

This was approved.

RESOLVED:

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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 amended 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 the amended Appendix 1 of the officer report.

The meeting ended at 10.00 pm

CHAIR