

London Borough of Islington

Planning Committee - 12 October 2023

Minutes of the meeting of the Planning Committee held at Council Chamber, Town Hall, Upper Street, N1 2UD on 12 October 2023 at 7.30 pm.

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

Councillor Martin Klute in the Chair

76 INTRODUCTIONS (Item A1)

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

77 APOLOGIES FOR ABSENCE (Item A2)

Apologies for absence were received from Councillor Jackson.

78 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

There were no declarations of substitute members.

79 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

80 ORDER OF BUSINESS (Item A5)

The order of business would be as per the agenda.

81 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 11th September 2023 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

82 CASTLE HOUSE, 37-45 PAUL STREET, FITZROY HOUSE - 13-17 EPWORTH STREET & 1-15 CLERE STREET LONDON (Item B1)

Demolition of the existing buildings and construction of a part 5, part 6 and part 7 storey building with basement, comprising Class E(g)(i) Office floorspace, including the provision of affordable workspace, alongside Class E(a) Retail, Class E(b) Food and Drink and Class E(d) leisure uses at ground, lower ground, and basement levels. The proposals also comprise the delivery of a dedicated off-street servicing yard and the delivery of cycle parking alongside the provision of landscaped roof terraces and wider public realm works at grade, and all associated and ancillary works (Departure from Development Plan)

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(Planning application number: P2022/2893/FUL)

In the discussion the following points were made:

- At the meeting of 18th July 2023, the Committee resolved to defer consideration of the application without hearing it, so as to provide both officers and applicants sufficient time to address concerns regarding the quality of affordable workspace, the whole life carbon assessment, and the impact to the protected characteristics of residents of Epworth Street, under the Equality Act. All of these issues had the potential to result in major redesigns of the scheme which would have made it difficult for the Committee to consider.
- The Planning Officer informed the meeting that since the Committee's deferral in considering the application, the applicant had worked closely with Council officers and the Greater London Authority (GLA) to revise the affordable workspace unit, whole life carbon assessments, and circular economy workspace statements.
- The meeting was also informed that the public sector equality duty concerning the protected characteristics of Epworth Street residents had been addressed in the addendum to the Committee Report at section five.
- Since the publication of the Committee report, there had been thirty-seven further objections made to the application, bringing the total to 170.
- The Planning Officer noted that Islington's Full Council adopted the new Local Plan on 28th September 2023. The application put forward to the Committee of 18th July 2023, had referred to policy that was current at that time. Officers have advised that the application had now been considered in light of the new Local Plan policies, which carry full weight, and have reached the same conclusions.
- The meeting was informed that the site was located within the Central Activities Zone, the City Fringe Opportunity Area the Bunhill and Clerkenwell Key Area, and an Employment Priority Area. It was presently an existing three to four storey building, in use as offices (Class E(g)), adjoining Epworth Street, Paul Street and Clere Street, which also bordered the London Borough of Hackney on two sides of the site.
- The meeting was informed that the key planning considerations included Land Use, Design and Appearance, Neighbouring Amenities, Transport and Highways, and Energy and Sustainability. The site had been designated Site Allocation BC48, highlighting the opportunity to intensify office use, provide level access and create an active frontage to the street.
- The Planning Officer also advised that there was to be a 13% uplift in affordable workspace, exceeding the 10% required in the Council's Local Plan. The affordable workspace unit was to be located at ground and basement level. This had been revised by way of an additional lightwell to the rear, and also relocating and expanding the lightwells to the front. Both the ground and basement level were accessible from Epworth Street and/or internally from the central atrium.
- The Planning Officer also noted that the proposed building was not located in an area designated suitable for tall buildings in the Local Plan, but that the building would have maximum height of 34.85 metres to the centre of the building. The building therefore represented a departure from the Local Plan as the maximum height did exceed 30 metres. Officers have considered

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proposals in line with the London Plan, and the Council's Local Plan. Both officers of the Council and the Greater London Authority considered the visual impact and functional impact of the proposal (subject to mitigation from conditions) were acceptable and would not warrant a refusal.

- The site was not located within a conservation area and does not contain any statutory listed buildings/structures. The site was, however, located close to a neighbouring Conservation Area, being to the east and north of the Bunhill Fields and Finsbury Square Conservation Area. Heritage assets that may be affected by the proposal included the Grade I listed Church of St Michael, the Grade II-listed Wesley's Chapel, and the Grade I listed park and burial ground of Bunhill Fields.
- Members of the Committee asked whether the daylight reduction had been considered in the equalities impact assessments, to which the Committee were told that this had been undertaken as part of the Council's duty under the Equality Act, which had shown that residents would not be disproportionately or unacceptably impacted.
- Members of the Committee highlighted that the departure from the Local Plan had been justified by national policy framework allowing for this where a proposal would contribute significantly to the economy and asked for further detail. In response, the Planning Officer referred to the uplift in office and affordable workspace, as evidence of this.
- In response to Members' concerns that the scheme's benefits were nothing more than compliance with policy, the Planning Officer advised that site allocation does not have a target in terms of amount of floorspace to be provided, just an increase; that there would be an increase in accessibility, an increase in employment space and an active frontage at street level.
- Officers also cited the proximity of other consented schemes in the vicinity of similar height and massing.
- Objections were heard that included, that there had been inadequate consultation and engagement with the local community; that there had been miscommunication about the site already having received consent; that there had been a lack of site notices placed in the vicinity of the building; and that the departure from the Local Plan was contradictory to the Council's green policies.
- Objectors noted that they were not opposed to the development of the site in principle, but that it should preferentially be a retrofit/refurbishment rather than a rebuild, and that the scale and mass of development should be appropriate to the context of the local area and surrounding sites, as it was felt that this area was unsuitable for tall buildings and that the size and mass of the building outweighed any potential community value.
- The Committee also heard objections regarding the direct impact to 10 Epworth Street, specifically that through the adverse impact of daylight reduction and noise disruption, the proposed scheme would be of considerable harm to the block's high proportion of housebound residents, and that the developer's offer of access to the proposed new roof balcony was not enough to mitigate harm caused by the development.
- The Committee also heard from an elected member of Hackney Council, Councillor Kam Adams for Hoxton East & Shoreditch Ward, who voiced objections on the grounds of the proposals not being in the best interest of the wider community, on there being a lack of community feedback being

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taken into consideration, and on the proposal needing more time to be analysed and scrutinised.

- The written representation of a member of Islington Council, Councillor Valerie Bossman-Quarshie for Bunhill Ward, was read out by the Chair, in which their objection also referenced the harm to the Council's declaration of a climate emergency, the environmental impact from a rebuild, and a high office vacancy rate in the locality.
- In their response, the applicants informed the meeting that they were a family-owned business that had owned Fitzroy House for several decades and the decision to redevelop the site wasn't taken lightly.
- The applicant stated that they were aware of local concerns, but their assessments had concluded that the current building was not compliant with market demands or EPC rules and in poor physical condition.
- The applicant went on to note that their proposal would boost employment and attract high-profile businesses, and that they had a construction management plan that would ensure regular, consistent and effective communication with stakeholders during the process.
- Members noted that objectors had indicated a willingness to work alongside the applicants; in response, the applicant stated that they had engaged with local stakeholders and that while their consultation was extensive, their door remained open to further discussion.
- In response to questions from the Committee regarding the need for office space, the applicant stated that the site was in one of the most sustainable locations and that there was demand.
- In response to questions from the Committee concerning changes made based on consultation feedback, the applicant cited the revisions to height, the upper levels of the building, and the increased width of the pavement.
- The Planning Officer confirmed there was only a 5% difference for the site in terms of overall carbon cost between retrofit and redevelopment for a comparable scheme of equivalent area and accessibility.
- The Planning Officer confirmed that requests for copies of representations had unfortunately only been provided to objectors on the day of the meeting (12th October), due to both the significantly high volume and the requirement for officers to ensure that each complied with Data Protection regulations (redaction of all individual correspondent details) prior to disclosure. It was also clarified that objections form part of the application file and are made available on request.
- The applicants stated that they had explored how the design of the building could be architecturally sympathetic to its surroundings and went on to state that this scheme was the best means for this site to achieve national, Net Zero targets.
- The Chair requested advice of the Committee's Legal Advisor, with regard to the Public Sector Equality Duty. In response the Committee were advised that it was their duty, as the decision-making body, to have due regard to any adverse impacts on those with protected characteristics before reaching their decision.
- In deliberation, the Committee considered the protected characteristics of nearby residents, the revisions made to affordable workspace, additional

lightwells and improved lighting and the argument of retrofit compared to redevelopment.

- The Committee also considered the strong imperative to deliver workspace at this location and the proximity of consented, neighbouring schemes of a similar design.
- The Committee also expressed the view that the benefits of the scheme were not much greater than policy compliance, and that the scheme still had the potential to cause considerable harm to neighbouring residents.

Councillor North proposed a motion to defer to allow for further assessments on the impact to neighbouring properties. This was seconded by Councillor Hamdache.

Councillor Klute proposed that the top two floors are set back to a point to where they were not visible to the public realm. This was seconded by Councillor Clarke.

Councillor Klute proposed a motion to defer to allow for further assessments and mitigation proposals relating to the impact on daylight and sunlight to all of the neighbouring properties with failing BRE measurements, the setback of the upper two floors to be increased and detailed on a separate section, drawings to demonstrate that the sight lines have been positioned correctly, and for the applicants to revisit their consultation with local stakeholders. This was seconded by Councillor Hamdache and carried.

RESOLVED:

That consideration of the application be deferred for the reasons outlined above.

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**CENTRAL FOUNDATION SCHOOL. 15 COWPER STREET, LONDON EC2A
4SH (Item B2)**

Application to vary Conditions 2 (Approved drawings), 4 (Details and Samples), 13 (Energy Strategy - School Site), 14 (Energy Strategy - Commercial Site), 16 (PV Panels), and 19 (Cycle Parking) of planning application ref: P2022/1001/S73, dated 23/12/2022 (Application to vary condition 2 (Approved drawings) of planning application ref: P2019/3572/S73 dated 28 July 2020 for: (Demolition of existing Block B and erection of a replacement four storey building to provide science teaching facilities; alteration and refurbishment of the Tabernacle Building; development of a partially sunken sports hall within the school courtyard; improvements and alterations to existing school buildings including listed buildings; demolition of the existing former sixth form block on Tabernacle Street and erection of an eight storey office (Use Class B1a) building; landscaping and associated works.). The applicant seeks to vary these conditions to allow for revisions to the commercial element of the development, comprising new design, materiality and layouts as well as an updated energy strategy and amendments to the end of journey facilities.

(Planning application number: P2023/2279/S73)

In the discussion the following points were made:

- The Planning Officer told the Committee that the application was for a material amendment (under section 73) to the previous planning permission, specifically to the consented commercial development located at the eastern

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end of the site, in addition to a revised design approach amending the façade design and slightly increasing the height and massing, introduction of a roof terrace for improved amenity offer, and improvements to end-of-journey facilities, cycle parking and sustainability.

- The Planning Officer had also noted that there had been some amendments to wording of some conditions to make it clear what was the responsibility of the school and what was the responsibility of the developer, but no changes had been made to the scheme that was presented to members.
- The Planning Officer informed the meeting that the site was located within the Bunhill Fields and Finsbury Square Conservation Area (CA22), an Archaeological Priority Area, the Central Activities Zone (CAZ) and the 'Inner Core' of the City Fringe Opportunity Area. Although there were listed buildings within the wider site, the subject building however, was not a listed building. Officers were satisfied that the roof access would not be visible from public level.
- The Planning Officer also noted that the proposals were in keeping with the consented scheme, although there was an uplift in floor space on the consented scheme due to internal layouts and the proposed roof terrace.
- The Planning Officer advised that whilst no amendments had been made in terms of additional storeys other than that to the lift overruns and the staircase, there was a slight increase in terms of the building's height due to the roof terrace and additional plant equipment, but this would not result in a noticeably taller or more imposing building compared with the consented scheme. The Council's Design & Conservation Officer had reviewed the proposal and was not of the view that it would adversely impact heritage assets.
- The meeting was informed that the development was an enabling development that had allowed the school to carry out improvement works.
- The proposed facade proportions were more in keeping with street frontage and proposed frontage to the street level and was an improvement on the consented scheme.
- The proposed useable area of the roof terrace had been significantly recessed, would not be located in close proximity to neighbouring residential properties and therefore would not result in any material increases in overlooking to residential properties or the school. Additionally, an operation management plan had also been submitted, to manage the roof terrace.
- The Planning Officer advised that although the urban greening factor was below policy, it was considered an improvement on consented scheme. Other proposed improvements included the use of air source heat pumps.
- In response to questions from the Committee about whether it was appropriate for the space to overlook the school's communal area, the meeting was informed that this was at the request of the school, and they had provided two letters in support.
- In response to a question from the Committee seeking confirmation that the Design & Conservation Officer was fully satisfied with the amendments proposed, the Committee were advised that this was the case, and that the proposed amendments were more in keeping with the locality than the consented scheme.

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- In response to questions from the Committee about whether more Section 73 amendments could be expected, the applicant advised that they didn't expect to make any further changes, and the reason for this amendment was because of their commitment to making sure the building was viable and as effective as it could be. The applicant also highlighted their close working relationship with the school on all aspects, including the design, and cited their letters of support as evidence of their satisfaction with the scheme.

Councillor Poyser 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 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 10.42 pm

CHAIR