

London Borough of Islington

Planning Sub Committee A - 25 April 2024

Minutes of the meeting of the Planning Sub Committee A held at Council Chamber, Town Hall, Upper Street, N1 2UD on 25 April 2024 at 7.30 pm.

Present: **Councillors:** North (Chair), Clarke (Vice-Chair), Hamdache and McHugh

Councillor Toby North in the Chair

33 INTRODUCTIONS (Item A1)

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

34 APOLOGIES FOR ABSENCE (Item A2)

Apologies were received from Councillor Convery..

35 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

There were no declarations of substitute members.

36 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

37 ORDER OF BUSINESS (Item A5)

The order of business would be as per the agenda.

38 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 25th April 2024 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

39 MANAGEMENT SUITE, 21 PARKFIELD STREET, LONDON, N1 0PS (Item B1)

Proposed Change of use of Unit ST-2 from Use Class E to Use Class E and/or Class B8 to allow for the operation of a dark supermarket (rapid grocery delivery- no shop) with associated parking.

(Planning application number: P2023/0485/FUL)

In the discussion the following points were made:

- The Planning Officer provided an update prior to presenting scheme, which was that additional information on welfare facilities for bike couriers had been provided by the applicant and officers recommended a condition be added. Officers have drafted the

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following – prior to the occupation of the use, by approved details, a scale drawing shall be provided to clearly mark welfare facilities for courier staff within the site, which shall be retained in perpetuity for the use unless otherwise agreed by the local authority. Officers would also seek amendments for condition nine to allow the applicants flexibility of Class E, which was the existing use and sought within the application and the full wording was able to be circulated to members following completion.

- The Planning Officer told the meeting that the proposal sought planning permission for the change of use of Unit ST-2 from Use Class E to Use Class E and/or Class B8 to allow for the operation of a dark supermarket (rapid grocery delivery - no shop) with associated parking.
- The meeting was told that the proposed use would utilise an existing servicing area off street and involve courier collection at basement level away from the public highway and the existing hollow and unfitted out ancillary retail area (365sq.m) at basement level was a space that was not taken on by the retail unit above, H&M. The space would be converted into a storage space for the distribution of grocery goods for a dark supermarket supplier. The dark supermarket will cater exclusively for online grocery shopping and beyond the unit, the two existing customer car parking spaces outside the unit as would be utilised by electric bike and bike set down associated with the proposed use for 9 cycle parking spaces. A pickup hatch would be formed in the flank wall of the unit to serve goods to drivers.
- The meeting was also told that the proposal, which would primarily include the use of e-bikes or (non-motorised) bikes would not have a detrimental impact on residential amenity from noise and disturbance subject to conditions and would therefore be in compliance with policy PLAN1 of Islington's Strategic and Development Management Policies (2023) in regard to impacts on neighbouring amenity as well as the NPPF (2021). The Planning Officer also said that a detailed management plan was provided as part of the application and trip movement analysis suggested a catchment area of 5km from the application site.
- In response to members' questions about what would be included within the site management plan, the Planning Officer advised that they had sought for it to address the issue of loitering on the highways outside of the site, that it includes wording to the effect that drivers will not be allowed to loiter outside of the premises to collect goods and that there will be a site manager on location with full operational capabilities.
- In response to members' questions, the Planning Officer advised members that should they be minded to grant the application, it was within their power to update conditions for the site management plan to include details of how riders will be informed of access to the site and precautionary measures for safety, but in terms of enforceability, if riders were not to comply with this it would be have to be addressed by the site manager in the first instance and further repeated, demonstrable breaches would then be investigated by the local authority.
- The Planning Officer advised that they did not have details of welfare facilities for couriers or staff working within the site as part of the application but advised that members could agree a condition mandating that a plan is provided showing welfare facilities within the site before any decision was made.
- In response to member questions about the quality of the space and working conditions for the employees that would be working in the space, the Planning Officer stated in response that while it was not a typical workspace, it had to be considered that this space was currently designated as Class E and on this application the local authority did not have the same level of control in terms of asking for such things as energy statements and quality of the space and had to take the application as a material consideration on what the space could be used for.

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- In response to member questions about why the condition had been applied for the operating hours to be ten o'clock, the Planning Officer had advised that it was felt that the hours were suitable given that it matched those of the existing operational hours for the Angel Shopping Centre commercial area. The Planning Officer also had received an updated transport assessment, which showed the existing delivery times which took place within the day and the evening and had taken examples of other similar retailers that have delivery hours within that timeframe.
- The Planning Officer advised that in terms of trip generation, the applicant had supplied comparative information for other dark supermarket operators such as Getir, but not specific locations.
- The Planning Officer advised that the noise implications had been thoroughly reviewed by officers including the Public Protection Officer who raised no objections from the db levels of the use of bicycles and/or e-bicycles based on an assessment, that they were satisfied with there being six additional cycles from Bromfield Street across operational hours, and the applicant had updated the transport statement throughout process to show peak hours. and officers were satisfied. Commercial deliveries will match the existing hours of the Angel Shopping Centre and the proposal had been reviewed with the Pollution Officer and because it was a collective servicing yard, it will be difficult to implement restrictions for a single unit.
- In response to member concerns about implications to the cycle traffic on neighbouring streets, the Planning Officer advised that the highways team had identified no safety issues, and there were no powers within the determination of this application to request alterations to the highway, but it was at members discretion to include something within the conditioning concerning traffic management.
- The Planning Officer confirmed that there had been no safety concerns raised by the Angel Shopping Centre in relation to the proposals.
- Objections were raised to members that the area was heavily affected by noise from the operation of the Angel Shopping Centre, currently, that the management of deliveries to the centre was currently ineffective and outside of the permitted times, with delivery vehicles queueing on the neighbouring highways, and that the management of the centre hadn't addressed these concerns to date.
- Objectors voiced concerns about intensifying the use of the centre, stating that the existing operation was already impacting traffic and junctions surrounding the site, and that the local authority had been limited in its ability to enforce against this.
- The applicant stated that they understood objectors' concerns and that the unit had been vacant for six years, since the centre's refurbishment works.
- The applicant stated that the only interest for the space had been from delivery companies and that the proposed use would provide local employment and benefit.
- The applicant stated that there was an onsite manager that residents can address issues with and a conditioned operational management plan could address this in further detail.
- In response to the objections stating there had been deliveries to the Angel Shopping Centre beyond the permitted times, the Planning Officer stated that this would be raised with Planning Enforcement for investigation.
- Members were told that the employees of the unit would have regular breaks and that the workspace had been signed off from a health and safety aspect and was subject to strict compliance with Health & Safety Executive requirements, regardless.
- Members were told that there would be on average six working in the unit and fourteen riders, at any one time.
- The Planning Officer advised that there were only facilities for nine bicycles as couriers would only be at the unit for a very short period.
- In response to questions about whether there would be a dedicated contact number, members were advised that the on-site manager at the unit will work with the site

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manager of the Angel Shopping Centre to ensure the safe operation of the unit. The Planning Officer confirmed that the management plan can be clarified by condition to distinguish responsibilities and designated points of contact for the unit's operation, full details of their availability and the complaint management process.

- Members were told that traffic data had been based in part on surveys of Parkfield Street which was considered a low traffic area and that the peak times for the operation had been determined based on when customers were likely to order their deliveries rather than traditional peak times.
- In deliberation, members noted that they could only consider the application in front of them and that existing enforcement issues for the wider Angel Shopping Centre would be addressed separately outside of this application process.
- Members noted that there were many unknowns around the delivery and servicing of this unit, and that there were conditions to strengthen, stipulating of welfare facilities, having a single named point of contact for residents with concerns around the operation of the unit.
- Members expressed concerns that trip generation figures which were used for the purpose of the application may not be robust for what was a new and growing use, and suggested conditions for a new transport statement, new OMP, delivery and servicing plan after one year of operation to ensure there was responsible management.
- Members noted that the area was a stress point on that area and that the area should continue to be a low-traffic area and expressed frustrations about the constraints of not being able to address working conditions of the space and the operation of the wider site.

Councillor North moved a motion to approve subject to conditions and amended conditions, the wording of which would be delegated to officers subject to consultation with the Chair, requiring submission of an amended operational management plan with details of welfare facilities provided for staff before operation, a designated point of contact for residents to raise concerns of the premises, bicycle storage, and that a new delivery and service plan, operational management plan and transport statement, including real trip data, are provided after a year of operation, to ensure that the operation was having no detrimental impact to residents, and responsible management was in place. 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 the additional conditions 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 as amended above, the wording of which was delegated to officers; and subject to any direction by the Mayor of London to refuse the application or for it to be called in for determination by the Mayor of London.

The meeting ended at 8.27 pm

CHAIR