

COMMUNITY PLAN FOR HOLLOWAY, COMMUNITY FORUM

17/7/25

This summary was taken from a transcription (checked by humans) and structured with the help of AI (also checked by humans). Humans and AI are fallible! Please let us know if you recall any key points that have been omitted.

Nat Baker is happy to take further queries and comments directly. His email is: Nathaniel.Baker2@islington.gov.uk If you do contact him, please also cc plan4holloway@gmail.com so we can add anything relevant to our knowledge pool. Many thanks!

The Forum consisted of a presentation by Islington Council's Assistant Director – Development Management, Nat Baker, and questions and discussion with local residents.

Presentation by LBI's Nat Baker

Section 96a Planning Application

- **60 objections received** for a planning application using Section 96a non-material amendment approach
- The Planning Committee determined there was **no change to actual permission**, but s96a enables more detailed application of changes
- **First time Section 96a used this way** in Islington according to community research
- Legal but **complex process** - described as potentially looking like "smoke and mirrors"
- **Quickest way** for Peabody to submit amendments without delaying homes

Community Concerns & Commitments

- 60 comments were received. Residents concerned that non-material amendments would **reduce scrutiny opportunities** compared to full planning applications

- Many felt they **didn't understand** how Section 96a was being used or were uncertain about council approval
- **Public commitment secured** from both Peabody and Council for full suite of assessments for expected s73 application in autumn
- This is a **mandatory requirement, not just a commitment** - same consultation and analysis as a full planning application

Consultation Process Clarifications

- **Same consultation and consideration process** will be required for expected s73 as full planning application
- **Phase 1 remains unchanged** – tonight's discussion will focus on phases 2 & 3
- Residents retain **same rights to comment** and object in the autumn, including to Phase 1 elements
- **All normal processes** expected for full application will apply to s73

Planning System Overview

- Planning is a decision-making framework for managing **competing space priorities**, not just ticking regulations
- Goal is to identify the most appropriate development for each area while meeting council targets and community needs
- Councils manage the process through **policy development, pre-application advice, consultation, and coordination with elected members**
- **Statutory consultees** (e.g., Sport England) can influence or veto certain decisions
- External experts and independent design review panels are engaged for specialised assessments

Council Planning Functions

- **Develop and adopt** local planning policy
- Provide **pre-application advice** (e.g., current work with Peabody)

- Brief elected members and consult extensively with the community, often beyond national minimums
- Assess large volumes of planning applications
- Collaborate with statutory consultees (some with veto power)
- Commission specialised assessments (e.g., daylight/sunlight analysis) and use independent design review panels

Discussion: Questions, Answers, Comments & Responses by Topic

SECTION 96A PROCESS & LEGAL FRAMEWORK

Residents' Questions & LBI Answers

Q: How can something that is strategic and of this scale be deemed minor?

A: It's technically minor in assessment of whole scheme. Recent court decisions say you can make quite significant changes and still consider it minor. We have to be guided by case law. It's still strategic and completely referable to the mayor, but it's an amendment to strategic application.

Q: The 60 objections, when you liaise with the mayor, do you let them know there's been 60 objections?

A: Absolutely. On full applications we send complete copies of everything - every objection, every consultation response. Mayor has to consider all of that. The mayor looks at strategic approach while we go to granular details like accessibility, daylight/sunlight.

Q: So if I've got this right, the 60 objections haven't been cast away and will be reviewed in light of what Peabody actually propose?

A: Almost correct. The committee's decision wasn't to make changes - it was to allow Peabody to apply to make changes. I've anonymized all objections for GDPR and given details to Peabody so they know the concerns.

Residents' Comments & LBI Responses

Comment: My worry is plans look like a mini but we could end up with a Cadillac through multiple non-material changes.

Response: Really good question that came up at committee. We have to cumulatively look at changes - if you've had five changes and sixth comes in, that might be materially different scheme. We can have cut-off. Not unusual for scheme this size to have smaller tweaks, but we do look at them cumulatively.

CONSULTATION QUALITY & PROCESS

Residents' Questions & LBI Answers

Q: Why are Peabody doing the consultation when they have no interest in proper consultation?

A: Planning department only has power to consult after we get application. As we haven't yet received the application, nothing to consult on. Requirement is the developer should consult local area, but no actual legislative requirement.

Q: Are they obligated to respond to the concerns?

A: No. Unfortunately, if someone submits application, they could completely ignore what residents said. Would be very bad practice but technically possible.

Q: Can we compel them to have meaningful consultation rather than just mood boards and one to one conversations?

A: This is good feedback - I meet them regularly and will relay that you need better consultation with question and answer sessions.

Q: Is it right to do consultation in middle of August holiday period?

A: There's nothing I can require, but I can exert pressure and will.

Q: When will we see what Peabody are going to submit?

A: I don't know dates as it's not in our control. Probably mid-August consultation, which isn't ideal timing. You'll definitely see everything when it's submitted (in the autumn) and we make it public.

Q: Has the council considered producing an accessible information pack given strategic importance of this development?

A: We're exploring AI and other technology to make document summaries. Not there yet, won't be ready for this submission unfortunately. We are talking to GLA about using AI to condense documents.

Residents' Comments & LBI Responses

Comment: Those diagrams are incredibly deceptive - taken from bird's eye view so no sense of height difference. Its impossible to find details on their website.

Response: This sounds problematic. I will absolutely relay this to them.

Comment: Just toys and coloured creations at consultation – poorly done can be worse than no consultation.

Response: This is really good feedback - I meet them fairly regularly and will relay you need better consultation. We can't force developer consultation, we can only encourage - that's a flaw. I would love developers to be required to do much more consultation at earlier stage.

Comment: We lost trust when original consultation went through with no impact during Covid. Really uphill battle getting anyone to respond to consultation.

Response: I understand the frustration and will relay concerns about consultation quality.

Comment: Reason for two proposals is so people feel grateful when they go with 17 stories.

Response: I think they put both options because Peabody wanted to retain 60% affordable, we said don't need shared ownership to lower heights, so they proposed other option. I'm not going to defend that approach.

Comment: Don't agree with language about 'its good we're getting proper consultation in autumn' - that's not something to be grateful for. It will be a fundamentally new proposal.

VISUAL MATERIALS & MODELS

Residents' Questions & LBI Answers

Q: Can we get a model of the building for consultation?

A: Completely agree it's most useful. Yes, they do have models - wooden one and detailed one. I will relay that they should have them available with new designs.

Residents' Comments & LBI Responses

Comment: Model could be kept in library for accessibility - easier to understand than plans. Model would help with accessibility - anybody could come in, and if they have space for people to write questions and respond publicly, it would help a lot.

Response: I will suggest it to them.

Comment: Related to model - need viewpoints with overshadowing as I struggle to understand how it will work.

Response: This comes back to your point - it's in appendix of daylight/sunlight assessments, but problem is that's only delivered when too late for the community, after it's submitted.

TIMELINE & PROCESS

Residents' Questions & LBI Answers

Q: To go back to timeline, we're expecting full plans by October, then planning department looking at it October to January?

A: We have 16 weeks formal period to assess. They are aiming for mid-October submission, reality may slip to late October/November. If early October submission, absolute earliest would be January committee.

Q: We have 16 weeks to come to council once plans issued on 20th October?

A: Yes, from planning department perspective, once submitted you speak to us. Standard letter says 21 days but we'll take comments right up to decision date.

Q: Can you say no to their approach of s96a given time pressure they're creating?

A: I have seen this approach before and there is case law for it. Government have consulted on new way (s73b) to avoid two-application process. On timeline, when we originally spoke to Peabody, my initial approach was that a whole new application would be quicker, but after legal advice, this is acceptable and quicker. Yes, we can say no (to applications).

Q: With the 60 objections, wasn't what was said earlier different?

A: The 60 objections related to the non-material amendment application. Doesn't mean we're moving them to next application, but I've given anonymized details to Peabody so they know the concerns.

BUILDING HEIGHTS & DESIGN

Residents' Questions & LBI Answers

Q: With original plans, there was opposition to height and impact on neighbouring estates. Will you go back and say find different way of delivering housing?

A: We've pushed Peabody to re-masterplan phases 2&3 rather than just add height to existing design. They've gone from 9 to 7 blocks. We have same concerns about neighbouring residents and will make a full detailed assessment. We're working with them and have dismissed some versions straight away.

Q: So, about proposed changes, do you know where the nearest 19-story tower is?

A: No. (Resident notes Archway is 17 storeys)

Q: These towers are highest point of land - does that get taken into account?

A: Absolutely, we take everything from datum point. Analysis based on actual real geography of land.

Q: Would approval become precedent for future applications?

A: Not necessarily - every site is assessed on own merits within its context. But there are appeal decisions across London where taller buildings are prevalent, so precedent does creep in.

Residents' Comments & LBI Responses

Comment: The scheme goes twice as high as normally permitted. They are playing fast and loose with building heights being confident it would be allowed.

Response: I will assure you we're not allowed to be put under political pressure. We make decisions based on planning policies. Unfortunately, huge amount of appeal decisions across London have said tall building policy isn't ultimatum – but if you breach height, you have to give exceptionality of design and quality.

Comment: The decision is not only relevant for this site but is a question of baseline changing potentially.

Response: Exactly that point - Barnsbury Estate has gone from 9,10,11 stories consented to a proposal for 21,18,16 stories. We're seeing this across Islington and London.

Comment: Suppose they get 19-story blocks - does that become precedent?

Response: Not necessarily - every site assessed on own merits and context. But I can't say absolutely not, and there are appeal decisions across London where taller buildings are prevalent, so precedent does creep in.

DAYLIGHT/SUNLIGHT & RIGHT TO LIGHT

Residents' Questions & LBI Answers

Q: What does daylight / sunlight have to do with assessment process?

A: It's about quality of life - buildings cast shadows so we assess whether new buildings will block daylight to existing/new residents. Also affects energy costs when people need lights on during day.

Q: When is best time to seek legal advice about daylight savings for compensation?

A: Once you know what the scheme will be, start getting legal advice. Right to light is different to planning daylight/sunlight assessments - separate legal process where you can get compensation from Peabody if rights materially affected.

Residents' Comments & LBI Responses

Comment: Cllr Klute in Tribune article dismissed idea that height might reduce daylight - that dismissal reduces trust hugely.

Response: That didn't come from officers, it's his quote. A tall building doesn't necessarily result in worse daylight/sunlight. It depends on where it's located, space around it, and movement of shadows. As proposed, they're being pushed towards middle of site and away from external residents, but we're assessing impact on lower floors of buildings next to them.

MAYOR'S ROLE & CONFLICTS OF INTEREST

Residents' Questions & LBI Answers

Q: Can the mayor override the veto of statutory bodies?

A: It can happen. If mayor calls in an application that Sport England rejected, the mayor will have to tell Secretary of State their decision, and Secretary of State can then take it off the mayor. Secretary of State is the final person who can intervene.

Q: Has anyone thought about this as conflict of interest – the mayor giving grant then being assessor?

A: Never been thought of as conflict. LBI assesses at planning level, not the mayor initially. Could be considered conflict when the mayor makes final decision, but procedures are in place as with council's own applications.

Q: The site is funded by the mayor. Are there conditions about what Peabody can/can't do?

A: In planning terms, no – this application assessed like all planning applications. Grant funding comes with commitments I'm not party to, but I suspect percentage of affordable homes is one of them as they're hovering around 60/58%.

Residents' Comments & LBI Responses

Comment: Even if mayor's fine with decision, if they hadn't provided funding, they might have different decision.

Response: The GLA planning office looks at have we made correct planning assessment, not do you want whole scheme. Similar to the council applying for its own homes – there are procedures in place but I can't talk to certain elements.

AFFORDABLE HOUSING & VIABILITY

Residents' Questions & LBI Answers

Q: Could you define what you mean by adding social value and does accessibility factor in?

A: We assess accessibility separately to social value - all new flats and public realm

must meet accessible standards. Social value relates to other added benefits like the women's building - what the development gives back to the community.

Q: There are different tenures on the site, can they be changed?

A: Technically you can seek to change anything in a minor material amendment, but it doesn't mean it's acceptable. We have to assess: 1) if their financial claims are fact, and 2) even if true, is it acceptable for us to approve at that level.

Residents' Comments & LBI Responses

Comment: Martin Klute has been quite publicly dismissive, saying residents 'don't even know what they are looking at'. He seems pretty keen on pushing it through.

Response: Cllr Klute has to keep an open mind. My interpretation is he's cognisant this is fastest route to deliver homes and delay is costly. But we will get full financial liability assessment and scrutinize it.

Comment: If there's so little developable land in Islington, can council be more bullish with developers?

Response: We have some of most progressive policy in London - 50% affordable housing target vs mayor's 35%. We refused Archway campus site and will say no when appropriate. That site has been through four owners in 12 years because we kept saying no.

CONSTRUCTION & ENVIRONMENTAL ISSUES

Residents' Comments & LBI Responses

Comment: Ongoing construction dust causing asthma attacks, eczema. Can we use this in objections about lack of trust that Peabody will follow conditions?

Response: Write down any concerns - we can take track record into account. We have construction monitoring officers and already took formal notice action. What I'm hearing is there are still continuing issues and I'm going to raise this with them.

Comment: Survey about environmental impact assessment seems to have been ignored, especially air quality and environment concerns.

Response: Everything everyone wrote was taken into account by planning. There will be an updated environmental impact assessment. We took action on dust/air quality - served notice to slow down construction and use water dowsers.

WARD COUNCILLORS & PLANNING COMMITTEE

Residents' Questions & LBI Answers

Q: Are ward councillors legally prevented from responding to constituents or coming to planning committee?

A: No legal obligation to respond but they can. They have been coming to me with residents' concerns. They often come to planning committees and can get three minutes each to speak in objection or support.

Q: Do we have any way of challenging decisions for being predetermined?

A: You could do judicial review on procedural grounds – you would need high evidence they were definitely predetermined. Cllrs can have opinions but must stay open-minded and consider everything before making decision.

Q: Would a broadcast be evidence of predetermination?

A: Yes, it could be evidence.

Residents' Comments & LBI Responses

Comment: None of the people on the planning committee represent wards around the building.

Response: There is no requirement for geographic representation. Ward councillors are always involved through briefings and discussions about approaches. Pressure for involvement would be from constituents.

Comment: Towards the end of first application, councillors stopped talking to us and said they couldn't be seen 'colluding'.

Response: Ward councillors not on planning committee can talk and express opinions. Planning committee members can't prejudge – they have to stay open-minded. They shouldn't make decision until they make it in public.

Comment: From first five seconds on Tuesday, we knew what Martin Klute (chairing the committee) wanted the committee to vote on – there was no open-mindedness.

Response: They don't make decision until they make it in public. They get the committee report at the same time as the public, all objections, all support letters. They have to stay open-minded and make decision at committee.

PLANNING POLICY & LOCAL PLAN

Residents' Questions & LBI Answers

Q: To what extent do we refer to the local plan in our objections and which one?

A: Absolutely refer to it. The starting point for all decisions is the local development

plan - that's our Islington Local Plan. A new one has been adopted since the previous application (2023 vs 2011). After that you need to look at the London Plan, then national policy.