

## PLANNING COMMITTEE REPORT

Development Management Service  
Planning and Development Division  
Environment and Regeneration Department

<b>PLANNING SUB COMMITTEE A</b>		<b>AGENDA ITEM: B 7</b>	
<b>Date:</b>	27 March 2018	<b>NON-EXEMPT</b>	

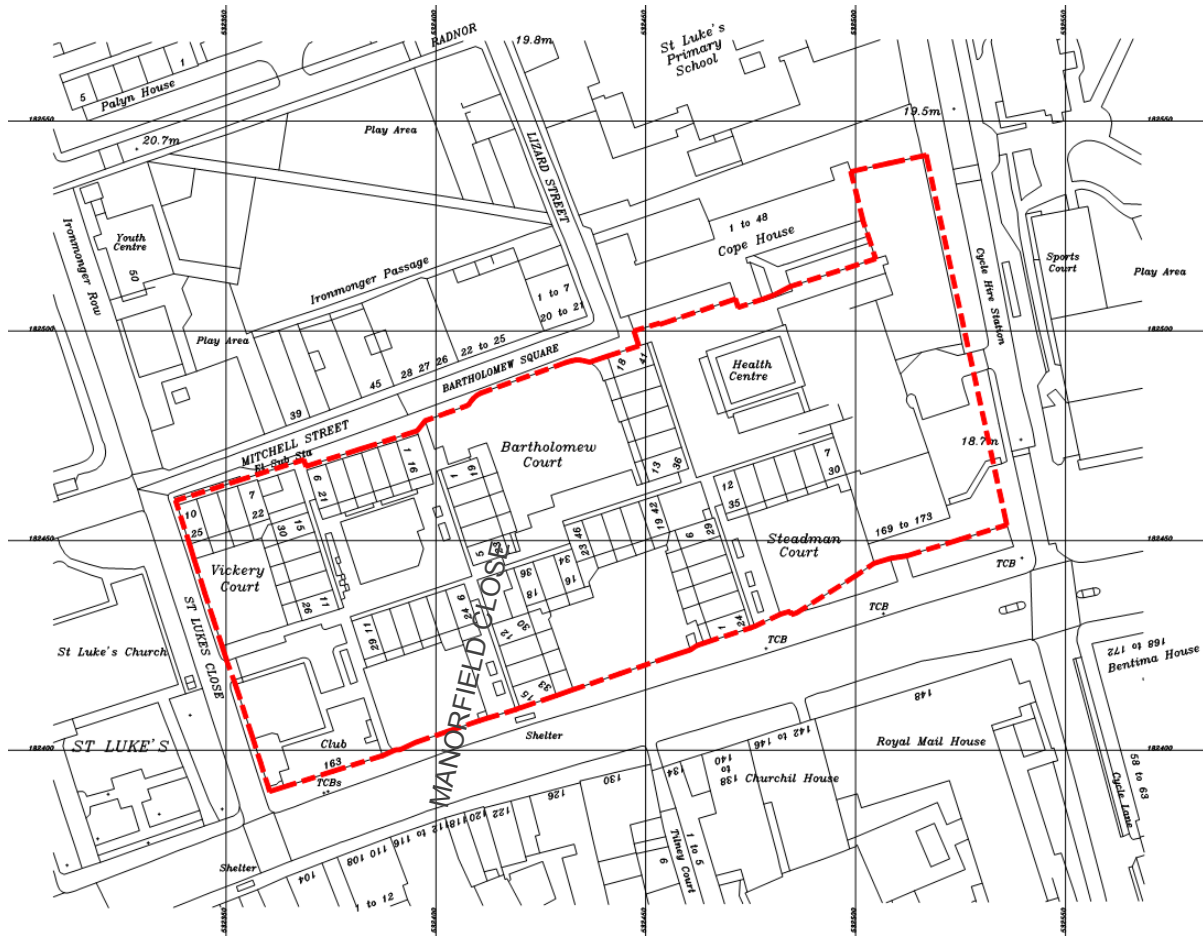
Application number	P2017/3454/FUL (Council's own)
Application type	Full Planning Application
Ward	Bunhill Ward
Listed building	Not Listed
Conservation Area	Not within a conservation area
Development Plan	Core Strategy Key Area – Bunhill & Clerkenwell Central Activities Zone Finsbury Local Plan Within 50m of St Luke's Conservation Area Article 4 Direction (A1-A2)
Licensing Implications	None
Site Address	Redbrick Estate Bartholomew Court, Steadman Court, Vickery Court Old Street and Mitchell Street London, EC1V 9NH
Proposal	Retention of external mechanical pipework at roof level and access staircases, with railings to the flat roof area of each block affected, and associated alterations.

Case Officer	Nathan Stringer
Applicant	Islington Council
Agent	BSW Heating – Mr Alex Henning

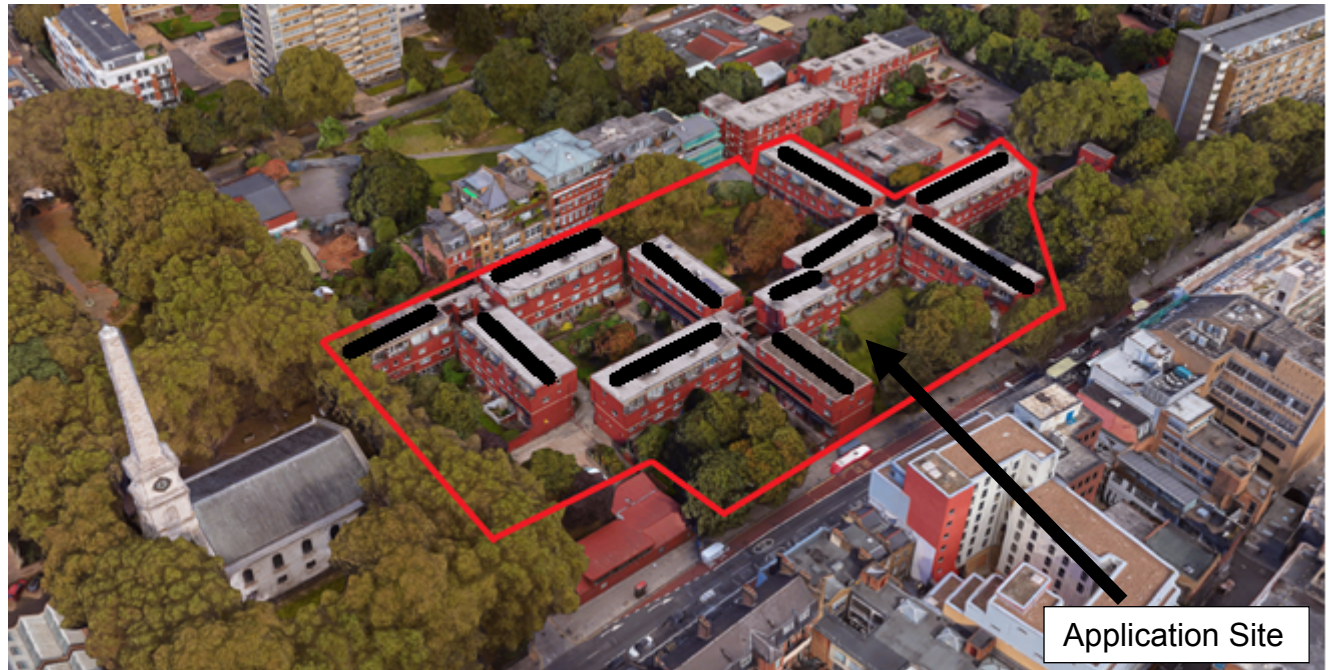
### 1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission – subject to the conditions set out in Appendix 1.

## 2. SITE PLAN (site outlined in black)



## PHOTOS OF SITE/STREET



**Image 1:** Aerial View of the Application Site



**Image 2:** Photograph of the Front of Steadman Court from Old Street access





**Image 3:** Existing ladders and railings at Steadman Court



**Image 4:** View of Vickery Court from the north. St Luke's church is shown on the right.

### **3. Summary**

- 2.1 Planning permission is sought for the retention of the upgraded communal heating system at three buildings comprising the Redbrick Estate, including Bartholomew Court, Steadman Court and Vickery Court. Works include the installation of replacement external mechanical pipework at roof level, and 10no. associated access ladders and railings. The key considerations in determining the application relate to the impact on the appearance of the existing buildings and on the character and appearance of the surrounding area, including the adjoining St Luke's Conservation Area, as well as sustainability.
- 2.2 The application is brought to committee because the properties are owned by the Council.
- 2.3 The application site comprises 3no. four storey residential buildings containing a total of 112no. self-contained residential units located on a street block surrounded by Old Street, St Lukes Close, Mitchell Street, Bartholomew Square and Bath Street. The application buildings are not listed and the site is not located within a conservation area but is situated within 50m of the boundary of the St Luke's Conservation Area. The surrounding properties are predominantly mixed use in character with a mixture of historic and modern developments ranging from three to twenty storeys in height. The Grade I listed St Luke's church is located opposite on St Luke's Close.
- 2.4 Prior to the installation of the upgraded system, the buildings contained mechanical pipework at roof level, with access stairs and ladders. Therefore, the main difference in their replacement is the increased scale of the pipework and the installation of rails above the flat roof at all buildings.
- 2.5 The new heating system consists of new flow and return pipework running from 2no. existing boiler houses, which rise vertically to roof level and across the rooftops where new services drop down through roof level into dwellings below. Powder coated aluminium casement to match surrounds is proposed around where the pipework rises from the boiler rooms to roof level. The proposal also includes the upgrade and replacement of existing ladders.
- 2.6 The proposed works would not result in an unacceptable degree of visual harm to the appearance of the buildings or to the character and appearance of the area, adjoining conservation areas or adjacent listed building, particularly having regard to the limited sightlines offered towards the proposed pipework and associated facilities, and the significant variation in building style, age and materials within the vicinity.
- 2.7 The Redbrick Estate has a major planning permission ref: P2015/0709/FUL for the construction of additional buildings between three and nine storeys in height, including a new community centre, and extensive public realm improvement works including hard and soft landscaping, alterations to entrances and alterations to boundary treatments. The scheme is currently under construction, and once finished would further reduce sightlines towards the roofs of Bartholomew, Steadman and Vickery Courts when viewed from the east.

### **3. SITE AND SURROUNDING**

- 3.1 The application site comprises of 3no. four storey residential buildings located on a street block surrounded by Old Street, St Lukes Close, Mitchell Street, Bartholomew Square and Bath Street. Known as the Redbrick Estate, the properties are purpose built blocks of flats which date back to the 1960s/80s and are used for residential purposes. Overall, the buildings contain a total of 112no. self-contained flats. The existing buildings are constructed out of brick with a flat roof, and include existing pipework at roof level, with associated railings and access ladders.
- 3.2 The immediate area is characterised by a mix of historic and modern developments. Further, two additional buildings up to 9 storeys in height are currently under construction following major planning permission ref: P2015/0709/FUL. As such there is a variety of building styles, heights and designs within the locality. The surrounding area is predominantly mixed use in character. The buildings are not listed and are not located within a conservation area. However, the estate is within 50m of the boundary with the St Luke's Conservation Area. The Grade I listed St Luke's Church is also located opposite on St Luke's Close.

## **4. PROPOSAL (IN DETAIL)**

- 4.1 Planning permission is sought for the retention of the upgraded communal heating system at the three buildings comprising the Redbrick Estate, including Bartholomew Court, Steadman Court and Vickery Court. Works include the installation of replacement mechanical pipework at roof level, and associated access railings across the flat roof of each building. Each railing would measure 1.1m in height, and would be set back from the edge by a distance of between approximately 4.1m and 1.4m (depending on the access requirements specific to each location). In order to access the roof level from the upper floor of each building, 10no. associated access ladders would be installed to replace existing ladders in each location.
- 4.2 The new heating system consists new flow and return pipework funning from 2no. existing boiler houses, which rise vertically to roof level and across the rooftops where new services drop down through roof level into dwellings below. Powder coated aluminium casement to match surrounds is proposed around where the pipework rises from the boiler rooms to roof level. The proposal also includes the upgrade and replacement of existing ladders.

## **5. RELEVANT HISTORY:**

- 5.1 P2015/0709/FUL: Demolition of Vibast Community Centre, 169-173 Old Street and Health Centre, partial demolition of garages to west of Bath Street, the construction of 55 new homes (comprising 16 x 1 bed units, 25 x 2 bed units and 7 x 3x bed), a community centre (D1 use), two flexible A1/A2 use units across three buildings, consisting of the erection of a part single, four and nine storey building at the junction of Old Street and Bath Street to provide a community centre and A1/A2 unit with residential above, a part two and three storey building at the Junction of Old Street and St Luke's Close to provide an A1/A2 unit and residential units and a part single and four storey residential building fronting Bath Street, alterations to the garages fronting Bath Street, the provision of a new amenity space to the east of Steadman Court and public realm improvement works across the site, inclusive of hard and soft landscaping, cycle parking, alterations to entrances and alterations to boundary treatment. Application re-consulted following receipt of amended plans detailing two additional doors (serving a sub-station) in the Bath Street elevation of the garages. Approved with conditions and legal agreement by the Planning Committee dated 04/11/2015.
- 5.2 P100298: Proposed Installation of thermal Solar PV Panels on flat roof of Bartholomew Court. Approved with conditions 16/04/2010.
- 5.3 P041446 (Bartholomew Court, Steadman Court and Vickery Court): Replacement of windows with UPVC double glazing and installation of mechanical extracts for kitchens and bathrooms. Approved with conditions 13/08/2004.

### **ENFORCEMENT:**

- 5.4 None.

### **PRE-APPLICATION ADVICE:**

- 5.5 Q2016/0811/MIN: Renewal of existing communal heating system. Planning officers advised that the proposed heating pipes at roof level would likely be acceptable if assessed at application stage.

## **6. CONSULTATION**

### **Public Consultation**

- 6.1 Letters were sent to occupants of 467 adjoining and nearby properties on 2 October 2017. A site notice was displayed outside the site. Due to a change in the description, the application was re-consulted on 15 January 2018, and a further site notice was placed outside the site. The public consultation of the application therefore expired on 8 February 2018, however it is the Council's practice to continue to consider representations made up until the date of a decision.

6.2 At the time of the writing of this report 10 letters of objection and 3 comments had been received from the public with regard to the application. The concerns raised can be summarised as follows:

- Impact of the pipework and railings on the character and appearance of the buildings, noting that these would be highly visible. **(See paragraphs 8.2-8.9)**
- Lack of consultation with the community and lack of notification of the planning application, including concern that residents were previously assured that no external pipework altering the appearance of the estate would be proposed. **(See paragraph 6.1 and comments below.)**
- Concern that the new heating system is only being introduced to service the new flats. **See comments below.**
- Increased risk of break ins via accessible roofs. **(See paragraphs 8.12-8.13)**

**Officer's Comment:**

- The proposed elevation drawings show the pipework and railings as highly visible. However, the roof plan indicates that the pipework and railings would be set back from the parapet of the flat roof. Therefore, in sightlines towards the buildings, the pipelines and railings would be largely obscured, from ground level viewpoints.
- Letters were sent to residents and adjacent and adjoining neighbours on two occasions, and site and press notices were also placed. Therefore, it is considered that an adequate level of consultation has been undertaken, as part of this planning application. The applicant has advised that, prior to lodgement, they met with local residents to discuss options for the upgrading of the heating system. A large number of residents raised concerns that the initial proposal (which was to run the pipework across the face of the building front elevation and enter via bedrooms). The applicant advises that, in conjunction with residents, the pipes would run along the roofs and not across the elevations of the buildings.
- One objector noted that the system is only being introduced to service the new flats which were approved under major planning permission P2015/0709/FUL. The applicant has advised that the new build will eventually connect to the heating system, however those buildings are not yet built. The proposed pipe routes may be extended in the future to the new build by being laid under the green areas via a soft dig. Regardless, this is not a material planning consideration and has not been considered in the assessment of this application.
- Concern regarding increased risk of break ins via the accessible roofs. The Metropolitan Police has been consulted as part of the application, and advised that they are satisfied that the proposed ladders would not pose a risk in terms of illegitimate use and appear to be an improvement on the existing ladders with a cage covering the rungs. A condition has been recommended requiring that access to the ladders be restricted be to maintenance operations only.

**Internal Consultees**

6.3 Environmental Pollution, Policy & Projects Team: Does not object to the proposal, and notes that the proposal is unlikely to generate any significant sound or impact upon residents.

**External Consultees**

6.4 Metropolitan Police: advised that they are satisfied the proposed ladders would not pose a risk in terms of illegitimate use and appear to be an improvement on the existing ladders with a cage covering the rungs. They are not easily accessible and there are no access points into the building once on the roof.

## 7. RELEVANT POLICIES

**Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following Development Plan documents.**

- 7.1 Islington Council (Planning Committee), in determining this planning application, has the following main statutory duties to perform:
- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
  - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan);
  - To have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;
  - To pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area (s72(1)).
  - The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
    - Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
    - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 7.2 Members of the Planning Committee must be aware of the rights contained in the Convention (particularly those set out above) when making planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 7.3 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.4 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees. **Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following documents:**



## **National Guidance**

- 7.2 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

## **Development Plan**

- 7.3 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and Finsbury Local Plan 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

## **Supplementary Planning Guidance (SPG) / Document (SPD)**

- 7.4 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

## **8. ASSESSMENT**

- 8.1 The main issues arising from this proposal relate to:

- Design and Heritage
- Neighbouring Amenity
- Other Issues

## **Design**

- 8.2 Policy 3.5 of the London Plan 2016 requires housing development to be of the highest quality; policies 7.1, 7.4, 7.5 and 7.6 state that development should make a positive contribution to the local character, public realm and streetscape. It should incorporate the highest quality materials and design appropriate to its context.
- 8.3 Islington's Planning Policies and Guidance encourage high quality design which compliments the character of the area. In particular, DM2.1 of Islington's adopted Development Management Policies requires all forms of development to be high quality, incorporating inclusive design principles while making a positive contribution to the local character and distinctiveness of an area based upon an understanding and evaluation of its defining characteristics. Policy DM2.3 states that Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance.
- 8.4 The proposed replacement mechanical pipework consists of flow and return pipework running from 2no. existing boiler houses, which rise vertically to roof level and across the rooftops where new services drop down into dwellings below. The pipework rises approximately 0.3m above roof level, and would be set back from the edge by between approximately 5.4m and 2m. Overall, due to the height of the buildings, minimal height of the pipework and its setback from the edge, it is not expected that it would be visible in long or short views.
- 8.5 The associated railings would measure 1.1m in height. The railings would be set back from the edge by a distance of between approximately 4.1m and 1.4m, depending on the roof plan of each block and location of pipework, except for in small sections where they are required for safe ladder access.
- 8.6 Overall, due to the height of the buildings and the set back of the rails, it is not anticipated that the set-back railings would be visible from the immediate streetscene. It is anticipated however that the proposed railings will be partially visible from longer views, including from within the surrounding St Luke's Conservation Area. Where railings are required to continue to the edge of the roof due

to ladder access requirements, this is minimised as much as possible. Whilst these sections of railings are visible in short views and from long distances, it is not considered that the impact is significant to warrant refusal for this reason. Further, following the construction of the permitted majors scheme on the Redbrick Estate site, sightlines towards the roofs of Bartholomew, Steadman and Vickery Courts would be further reduced when viewed from the east.

- 8.7 The applicant has advised that some sections of railings have been installed closer to the edge of the roof than indicated on the proposed plans, in order to allow for the safe installation of the pipework. These railings are to be relocated into the location shown on the proposed plans. To ensure that this is the case, a condition has been included requiring that the railings be relocated to the locations demonstrated on the proposed plans within 2 months of the completion of pipework installation, if members are minded to approve the application.
- 8.8 The proposal also includes the provision of fixed access ladders between the intermediate roof, up to the main roof level. These ladders would replace existing ladders and would not materially harm the character or appearance of the buildings.
- 8.9 The application properties are 1960s/70s style properties, and the properties adjoining and adjacent to the site are mixed in character. It is therefore not considered that the proposal would cause demonstrable harm to the character and appearance of the property or wider street scene. It is considered that given the style of housing, the presence of existing pipework and some existing railings, and the great variety of building style, age, design and materials, the installation of the upgraded communal heating system is not considered to be harmful to the character and appearance of the streetscene and wider area, nor would it materially harm the setting of the Grade I listed St Luke's Church which sits adjacent to Vickery Court.
- 8.10 Given the above, the proposal is considered to be consistent with the aims of the Council's policies on design and accord with policies 7.6 (Character) of the London Plan 2016, policy CS8 (enhancing Islington's Character) of the Core Strategy 2011 and policies DM2.1 and DM2.3 of the Development Management Policies 2013.

### **Neighbouring Amenity**

- 8.11 Policy 7.6 of the London Plan and policy DM2.1 of the Development Management Policies requires that development should have regard to the form and layout of existing and adjacent buildings; good level of amenity including consideration of noise and impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and day light, over-dominance, sense of enclosure and outlook.
- 8.12 The proposed railings and pipework would be located at the roof level and would not have any material impact on the occupiers on site or within the locality. The proposed access ladders would also not impact upon neighbouring amenity. Further, the Council's noise officer has confirmed that the proposal is unlikely to generate any significant sound or impact upon residents. Overall, the proposed development is acceptable in residential amenity terms and accords with policy DM2.1 of the Development Management Policies 2013.

### **Safety and Access**

- 8.13 The proposal includes the provision of 10no. replacement ladders from the intermediate roof to provide access to the roof level of each building. Concern has been raised by residents that these ladders would allow illegitimate users to access the roof space, providing opportunity for break-ins from roof level. The Metropolitan Police has reviewed the application and has advised that the ladders would not pose a risk to illegitimate use and appear to be an improvement on the existing ladders with a cage covering and rungs. Further, should members be minded to grant permission, a condition has been included requiring that access to the ladders be restricted to maintenance operations only.

## **9. SUMMARY AND CONCLUSION**

### **Summary**

- 9.1 The installation of an upgraded communal heating system in this particular location, due to the specific details of the system proposed and variety of building styles, age and materials in the vicinity is acceptable in this instance. The pipework and railings would largely be obscured from both short and long views. Furthermore, given the appearance of the existing buildings, it is considered that the proposed system would not result in visual harm to the overall appearance of the building or wider street scene. A condition is also recommended to ensure that all railings are relocated to the locations indicated on the proposed plans. There is also a clear public benefit achieved in the proposal through the enhanced residential heating system which will enhance the sustainability of the buildings.
- 9.2 As such, the proposed development is considered to accord with the policies of the National Planning Policy Framework 2012, the London Plan 2016, the Islington Core Strategy 2011, the Development Management Policies 2013 and Supplementary Planning Documents and as such is recommended for approval subject to appropriate conditions.

### **Conclusion**

- 9.3 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 - RECOMMENDATIONS.

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

That the grant of planning permission be subject to **conditions** to secure the following:

#### List of Conditions:

<b>1</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Drawing numbers 02, 03, 04, 05, 06, 07, 08, 09, and M701; HeightSafe Systems Freestanding Guirrail System O&amp;M Brochure; HeightSafe Systems Ladder Specification – Aluminium Standard Ladder with Walkthrough Top; HeightSafe Systems aerial photograph; Access Ladder Example; and Photographs x6.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>2</b>	<b>Materials</b>
	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the plans. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>3</b>	<b>Condition</b>
	<p>CONDITION: All roof top railings must be relocated to the locations indicated on the hereby approved plans within 2 months of the date of this permission and maintained as such thereafter into perpetuity.</p> <p>REASON: In order to protect the character and appearance of the site and the wider streetscene.</p>
<b>4</b>	<b>Condition</b>
	<p>CONDITION: Roof access ladders shall be secured and accessible only for maintenance purposes.</p> <p>REASON: In order to restrict public access to the roof and to protect resident safety.</p>

#### List of Informatives:

<b>1</b>	<b>Positive statement</b>
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in a timely manner in accordance with the requirements of the NPPF.</p>

## **APPENDIX 2: RELEVANT POLICIES**

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning application.

### **1 National Guidance**

The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

### **2. Development Plan**

The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

#### **A) The London Plan 2016 - Spatial Development Strategy for Greater London**

London's living places and spaces  
Policy 7.4 Local character  
Policy 7.6 Architecture

#### **B) Islington Core Strategy 2011**

##### **Spatial Strategy**

Policy CS8 (Enhancing Islington's Character)

##### **Strategic Policies**

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)

#### **C) Development Management Policies June 2013**

##### **Design and Heritage**

Policy DM2.1 Design  
Policy DM2.3 Heritage

##### **Energy and Environmental Standards**

Policy DM7.1 Sustainable design and construction  
Policy DM7.2 Energy efficiency and carbon reduction in minor schemes  
Policy DM7.4 Sustainable Design Standards

### **3. Designations**

Key Strategy Key Area – Bunhill & Clerkenwell  
Finsbury Local Plan Area – Bunhill & Clerkenwell  
Central Activities Zone  
Within 50m of St Luke's Conservation Area  
Article 4 Direction (A1-A2)

### **4. Supplementary Planning Guidance (SPG) / Document (SPD)**

The following SPGs and/or SPDs are relevant:

**Islington Local Development Plan**  
- Urban Design Guide (2017)



