

## PLANNING COMMITTEE REPORT

Development Management Service  
Planning and Development Division  
Environment and Regeneration  
Department



<b>PLANNING SUB-COMMITTEE B</b>		<b>Agenda Item: B1</b>
Date:	2 October 2018	NON-EXEMPT

Application number	P2018/1799/FUL
Application type	Full Planning Application
Ward	Clerkenwell
Listed building	No
Conservation Area	Northampton Square Conservation Area
Development Plan Context	Bunhill & Clerkenwell Core Strategy Key Area Northampton Square Conservation Area Central Activities Zone Finsbury Local Plan Employment Priority Area (General) Bunhill & Clerkenwell Finsbury Local Plan Area Within 50m of Hat and Feathers Conservation Area Mayors Protected Vistas – Alexandra Palace viewing terrace to St Paul's Cathedral Article 4 Direction A1-A2 (Rest of Borough) Article 4 Direction B1(c) to C3
Licensing Implications	No
Site Address	1 Berry Place, Islington, London EC1V 0JD
Proposal	Installation of proposed plant equipment (2 no. air conditioning units) above existing flat roof at second floor level (first floor roof) including associated screening and other works

Case Officer	Daniel Jeffries
Applicant	Kandor Holdings Ltd, Mr Chapman
Agent	Studio RHE Ltd Mr R. Hywel Evans

### 1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission subject to:

- 1.1 The conditions set out in Appendix 1;

2. SITE PLAN (site outlined in black)



### 3. PHOTOS OF SITE/STREET



**Image 1:** Aerial view of the application site



**Image 2:** Aerial view in southerly direction

#### **4. SUMMARY**

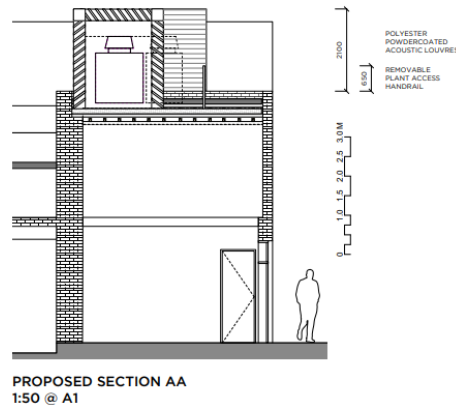
- 4.1 Planning permission is sought for the installation of 2 no. air conditioning units to the roof of the existing two storey commercial building, with associated screening and access barriers. This is following the withdrawal of the previous application (ref. P2018/0591/FUL) for the installation of proposed plant equipment above the existing flat roof at second floor level including associated screening and other works. The application has been submitted as a result of an enforcement investigation as a result of unauthorised plant equipment to the roof of the application building. This unauthorised plant equipment has now been removed.
- 4.2 The application is brought to committee due to the number of objections received (6 no).
- 4.3 The issues arising from the application are the design of the proposal, including its impact on the visual appearance and historic character of the host buildings and surrounding heritage assets and the impact to neighbouring amenity of the adjoining and surrounding residential and commercial properties.
- 4.4 The position of the proposed air conditioning units above the flat roof of the two storey building is considered acceptable. The units would be set in from the south and east elevations which would ensure that any views from the public realm would largely be obscured. The proposed equipment would also be enclosed with an acoustic screening which mitigates the noise and reduces visual impact. It is therefore considered that design of the proposal is acceptable and would preserve the visual appearance of the surrounding heritage assets. It is therefore compliant with Islington Core Strategy (2011) CS8 and CS9 policies, DM2.1, DM2.3 of the Development Management Policies (2013), the Urban Design Guide (2017) and the Northampton Square Conservation Area Design Guidelines.
- 4.5 The proposal is not considered to prejudice the residential amenity of neighbouring properties insofar of loss of light, outlook or increased sense of enclosure.
- 4.6 Following the submission of a Noise Impact Assessment, in support of the application, the Council's Acoustic Officer has been consulted and subject to conditions is of the opinion the proposal would not result in any significant noise to neighbouring properties over and above the existing situation. Whilst the submitted Noise Impact Assessment has not considered the cumulative impact of both the plant equipment within this application and the concurrent application at the application building (ref. P2018/1525/FUL) at first floor level, this has been considered by the Council's Acoustic Officer to have an acceptable impact. Conditions have also been recommended to ensure that the noise levels complies with Islington acoustic controls. It is therefore considered to be compliant with policy DM2.1 of Islington's Development Management Policies (2013).
- 4.7 The proposal is therefore considered to be acceptable and it is recommended that the application be approved.

## **5. SITE AND SURROUNDINGS**

- 5.1 The application site is located to the west of Berry Place and to the north of Harold Laski House and immediately to the rear of 2-4 Sebastian Street and adjacent to the existing properties along Sebastian Street to the west. The application building is predominately a two storey property, with a flat roof and central pitch. The proposed equipment is required service the existing use of the building as a photographic studio (B1 use), and consolidate the historical plant equipment at roof level.
- 5.3 The application building is not listed, but the site is located within the Northampton Square Conservation Area. The site is also located within Bunhill & Clerkenwell Core Strategy Key Area, Central Activities Zone, Finsbury Local Plan Employment Priority Area (General), Bunhill & Clerkenwell Finsbury Local Plan Area, within 50m of Hat and Feathers Conservation Area, the Mayors Protected Vistas – Alexandra Palace viewing terrace to St Paul's Cathedral, and subject to Article 4 Directions A1-A2 (Rest of Borough) and B1(c) to C3 restricting permitted development.

## **6. PROPOSAL (in Detail)**

- 6.1 Planning permission is sought for the installation of 2 no. air conditioning units to the roof of the existing two storey commercial building, with associated screening and access barriers. This is following the withdrawal of the previous application (ref. P2018/0591/FUL) for the installation of proposed plant equipment above existing flat roof at second floor level including associated screening and other works.
- 6.2 The application has been submitted as a result of an enforcement investigation as a result of the unauthorised installation of air conditioning equipment to the main roof of the host building. The Council's Enforcement Officer recommended the submission of the application to regularise the development. Since the commencement of this enforcement investigation existing historical plant equipment has been removed. Following the submission of the planning application the enforcement case was held in abeyance until such time that a decision will be made on the application.
- 6.3 The proposed air conditioning units would be located to the flat roof of the existing two storey building, towards the west of the site, and adjacent to the central pitched area of the roof. The units would be Mitsubishi Electric (models P300Y 1220WX740D X1700H and PURY-P550YSLM-A1 2140WX740DX1700H) measuring 1.7m (height) x 0.74m (width) x 1.22m (length). The proposed screening would include polyester powdercoated louvres at 2.1m in height covering an area of 2.3m (length) x 1.7m (width) and 3.4m (length) x 1.7m (width).



**Image 1:** Section drawing showing plant equipment and associated enclosure

## 7. RELEVANT HISTORY:

### PLANNING APPLICATIONS

#### 1 Berry Place

- 7.1 P2018/1525/FUL - Installation of two air conditioning units within an enclosure, located on the first floor flat roof on the eastern side of the property. (currently under assessment)
- 7.2 P2018/2160/ADV - Advertisement Consent in connection with the display of 1 no. non-illuminated corten steel fascia sign attached to eastern elevation; and 1 no. non-illuminated hanging steel sign from southern elevation at first floor level. (currently under assessment)
- 7.3 P2018/0591/FUL - Installation of proposed plant equipment above existing flat roof at second floor level including associated screening and other works (following removal of existing plant equipment) Withdrawn by applicant

#### Rear building Sebastian House 2-4 Sebastian Street, (rear building now known as 1 Berry Place

- 7.4 941194 –) Removal of condition 03 of consent ref. 87/0035 dated 20th July 1987. Approved on 3<sup>rd</sup> January 1995.
- 7.5 870035 – (Rear building Sebastian House 2-4 Sebastian Street, (rear building now known as 1 Berry Place) Alterations and construction of a two storey extension (960 sq.m.) in place of a single storey section (48sq.m) at the rear and change of use from general industrial to light industrial (total floorspace resulting approx 750 sq.m. Approved on 20<sup>th</sup> July 1987.

### ENFORCEMENT

- 7.6 E/2018/0044 - Installation of plant machinery (case ongoing)

### PRE-APPLICATION ADVICE:

- 7.7 None

## 8. CONSULTATION

### Public Consultation

- 8.1 Letters were sent to 266 occupants of adjoining and nearby properties Berry Place, Tompion Street, Sebastian Street on 19<sup>th</sup> June 2018, and site and press adverts were displayed. The public consultation of the application expired on 12 July 2018.
- 8.2 It is the Council's practice to continue to consider representations made up until the date of a decision. At the time of writing of this report 6 no. objections in total had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):
- Loss of amenity to occupiers of neighbouring properties in terms of noise, disturbance, privacy (Tompion Street, Sebastian Street, Northampton Square) (paragraphs 10.20 to 10.24)
  - Inaccuracies of the submitted noise report and measurement of background sound level not a fair reflection (paragraph 10.22)
  - Hours of operation of the units (paragraph 10.22)
  - Visual impact on the host building and surrounding area including the Conservation Area (paragraph 10.2 to 10.12)
  - Security issues (paragraphs 10.25 to 10.28)
  - Maintenance of units and potential heat issues as units get older (paragraph 10.29)
  - Birds standing on top of the units resulting in bird faeces to the area (paragraph 10.29)

### Internal Consultees

- 8.4 **Design and Conservation Officer:** raised no objections to the proposal
- 8.5 **Pollution Officer:** raised no objections to the proposal, subject to conditions including the operation of the equipment being only in 'low noise' mode, the hours, sound levels and for a post mitigation installation report to be submitted.
- 8.6 **Enforcement:** The unauthorised plant machinery to the roof of the property were brought to the Council's attention on 30/01/2018, enforcement case reference ENF/2018/0044 was opened and an initial site visit undertaken by the case officer on 02/02/2018. The desktop investigation produced photographic evidence confirming that the principle of plant on the roof of this property had been long established; as such a retrospective application was invited in order to regularise the new plant machinery, and in doing so, enabling the Council to impose appropriate planning conditions to alleviate any noise impact to neighbouring residential amenity. Once a valid planning application had been submitted, the enforcement case was held in abeyance until such time that a decision was made on the application."

## **External Consultees**

8.7 **Secured by Design:** raised no objections to the proposal.

## **9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES**

9.1 Islington Council (Planning Sub-Committee B), in determining the 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, including adopted Supplementary Planning Guidance.) and;
- As the development is within a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).

9.2 National Planning Policy Framework (NPPF): Paragraph 11 states: "at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay...

9.3 At paragraph 8 the NPPF states: "that sustainable development has an economic, social and environmental role".

9.4 Since March 2014 Planning Practice Guidance for England has been published online.

9.5 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.

9.6 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.

- 9.7 Members of the Planning Sub-Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any 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.
- 9.9 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.

### **Development Plan**

- 9.10 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and the 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.
- 9.11 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- Bunhill & Clerkenwell Core Strategy Key Area
  - Northampton Square Conservation Area
  - Central Activities Zone
  - Finsbury Local Plan Employment Priority Area (General)
  - Bunhill & Clerkenwell Finsbury Local Plan Area
  - Within 50m of Hat and Feathers Conservation Area
  - Mayors Protected Vistas – Alexandra Palace viewing terrace to St Paul's Cathedral
  - Article 4 Direction A1-A2 (Rest of Borough)
  - Article 4 Direction B1(c) to C3

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

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

### **10. ASSESSMENT**

10.1 The main issues arising from this proposal relate to:

- Design and Conservation
- Neighbouring Amenity including sunlight/daylight and noise
- Security

#### **Design and Conservation**

- 1.1 The site is within the Northampton Square Conservation Area. Therefore, the proposal is required to pay special regard to the statutory duty (s72(1)) for the preservation or enhancement of these heritage assets. Therefore, in terms of assessing the acceptability of the design of the proposal, it is important to consider the NPPF, Development Management Policies (2013) DM2.1 and DM2.3, Islington Core Strategy Policies (2011) CS9, and the guidance found within the Urban Design Guide (UDG) 2017, and the associated Conservation Design Guidelines.
- 1.2 Core Strategy Policy CS9 states that 'high quality architecture and urban design are key to enhancing and protecting Islington's built environment, making it safer and more inclusive'.
- 1.3 Policy DM2.1 states 'All forms of development are required to be of high quality, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics'.
- 1.4 In relation to heritage, Policy DM2.3 states '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'.



**Image 2: Proposed South Elevation**

- 1.5 The UDG provides guidance on how urban design principles should be applied to ensure that new development successfully contributes to making the borough a better place. It is applicable to all new developments, including alterations and extensions to existing buildings.
- 1.6 The advice found within paragraphs 5.182 to 5.185 of the UDG provides specific advice in relation to building services and equipment. It states that if it is necessary to install plant on the outside of the building, it should be located at a low level (preferably within a courtyard or rear garden area) and either obscured from view by existing structures such as parapet walls or housed within a suitably designed enclosure.
- 1.7 The Northampton Square Conservation Area Design Guidelines should also be included within any application. Paragraph 29.10 provides advice in relation air conditioning units, stated that the Council is opposed to their installation at roof level where they can be seen from street level or public space, including long views from side streets.
- 1.8 In this instance, the proposed 2 no. air conditioning units would be located above the existing flat roof of the host building at second floor level towards the south west of the host building, adjacent to the central pitched roof of the building. The proposal includes screening around each of the air conditioning units which would be polyester powdercoated louvres, measuring a height of 2.1m. The proposed planting equipment and associated screening would be set away from the south elevation by 1.7m and 2.8m. There would also be a removable plant access rail, measuring 0.65m above the flat roof, which would be set away from the south elevation by 1.7m. There are no details in terms of the proposed screening or railings. However, a condition has been recommended ensuring that it would be goosewing grey (RAL7038), in the event the application is approved, to ensure it would be less prominent and be in keeping with visual appearance of the host building and wider area.
- 1.9 It is acknowledged that the proposal would result in additional bulk to the roof of the host building. However, given the position within the roof, adjacent to the central pitched area and in terms of its position away from the south and east elevations it is considered that any views would be largely obscured from the public realm, due to the orientation of the building and surrounding streets as well as the existing tree to the front of the host building to the south elevation. It should be noted that given the sites designation within a conservation area this tree is protected from removal or pruning works without prior consent from the Council's Tree Preservation team. In addition, due to the restricted footprint of the proposal, this additional bulk is considered to be subordinate to the host building. Notwithstanding the ongoing enforcement investigation which has resulted in the submission of this application, it should also be noted that the historical plant equipment at roof level, which has since been removed did not have additional screening. This historic equipment had greater visible presence than what is proposed under the current application. Its removal and its replacement with less visible equipment is an added benefit to the street scene.
- 1.10 As discussed above, it is acknowledged that the proposal may be visible from the public realm, which does not strictly accord with the general design guidance found within the Urban Design Guide 2017 and Northampton Square Conservation Area

Design Guidelines. However, given the setbacks, the tree screening and the narrow streets surrounding the host building, and its orientation and position within the roof, any views of the proposal would be largely obscured. In addition, a condition has been recommended to ensure the equipment would be goosewing grey (RAL 7038) in colour to reduce its visual prominence.

- 1.11 Overall, given the above assessment it is considered that the proposal would preserve the visual appearance and historic character of the host building and the Northampton Square Conservation Area, and is considered acceptable in design terms.

### **Neighbouring Amenity including Noise**

- 10.13 The National Planning Policy Framework identifies as a core planning principle that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
- 10.14 London Plan policy 7.6 (part Bd) states that buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing. Policy 7.15 (part B) states that development proposals should seek to manage noise by mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development; separating new noise sensitive development from major noise sources through the use of distance, screening or internal layout in preference to sole reliance on sound insulation; controlling and mitigating potential adverse effects through the application of good acoustic design principles; and promoting new technologies and improved practices to reduce noise at source and on the transmission path from source to receiver.
- 10.15 Development Management Policy DM2.1 (part Ax) confirms that, for a development proposal to be acceptable it is required to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 10.16 In this instance, the proposal would be located above the flat roof of the existing two storey building. The nearest residential property is located at no. 16 Tompion Street, 10m away from the proposed equipment, with other properties at Mulberry Court 12m away to the south and the rear of the properties at 4 Sebastian Street are 16m away. The latter of these two properties overlook the proposal.

### **Daylight/Sunlight**

- 10.17 All new developments are subject to an assessment of their impact on neighbouring amenity; including in terms of daylight, sunlight, privacy, increased sense of enclosure, noise and disturbance as required by London Plan Policies 7.14 and 7.15 and Development Management Policy DM2.1A (X).

- 10.18 In this instance, given its location which would be 10m away from the nearest residential property it is considered that this addition would result in no significant loss of daylight/sunlight or outlook or enclosure to neighbouring properties.

#### Privacy

- 10.19 In this instance, there would no additional privacy issues associated with the proposed development as it relates to equipment associated with the building rather than an extension or development that may lead to overlooking concerns.

#### Noise

- 10.20 The application was accompanied by the submission of a noise impact assessment report. This report presents an assessment of the noise impact of the new plant based on the findings of an environmental noise survey that has been undertaken at the site. The noise assessment has assumed all of the existing and proposed plant to be operating simultaneously and has considered noise emission to the nearest noise sensitive receptors. These have been taken to be no. 16 Tompion Street; the upper floors of Mulberry Court which overlook the plant; and the rear of the properties at no. 4 Sebastian Street.
- 10.21 The assessment has concluded that without attenuation measures, the level of noise generated by the new plant would be above the lowest measured background noise level recorded during their period of operation. The conclusions of the report identified that two mitigation measures. The first is to create an enclosure around the plant formed from 300mm deep acoustic louvres. In addition, the maximum operating duty of the plant will be restricted. This will also control the maximum noise generated by the plant. The report states that together these two measures have been shown to reduce the operating noise levels to at least 5dB below the lowest measured background noise level likely to be experienced during their periods of operation.
- 10.22 The Council's Pollution (Acoustic) Officer has reviewed the submitted report and has concluded that there are no objections to the proposal, and is satisfied that the report has been carried out in accordance with the Council's requirements. This is subject to a number of recommended conditions in the event the application is approved. These conditions relate to the operating hours between 0630 and 2000 hours only, sound levels and for a post mitigation installation report to be submitted to demonstrate compliance and has recommended that the operation of the equipment to be in 'low noise' mode only. It is considered that subject to these conditions, the proposal is not considered to result in any significant noise issues to neighbouring properties.
- 10.23 Whilst the submitted noise impact assessment has not assessed the potential cumulative impact of the proposal alongside the proposed plant equipment within the concurrent application at the host building (ref. P2018/1525/FUL), the Council's Acoustic Officer has confirmed that the potential noise impact would be acceptable subject to the recommended conditions for these applications in the event both applications are approved.
- 10.24 In summary the proposal would not conflict with Policy DM2.1 of the Islington's Development Management Policies with regards to the protection of neighbouring

amenity or with Policies 7.4 and 7.6 of the London Plan in terms of potential harm to residential amenity and is therefore acceptable in this regard.

### **Security**

- 10.25 A number of concerns have been raised in relation to the potential impact for the proposal to result in security issues to neighbouring properties, particularly in relation to the potential for the proposal to be used to help gain access to neighbouring properties. The Metropolitan Police's Secured by Design Officer was consulted on the of the application in light of this concerns.
- 10.26 The Secured by Design Officer confirmed that he has no objections to the proposal and considers that the existing arrangements at the host building which includes the types of locks, an intruder alarm system and CCTV cameras are sufficient in terms of providing security to the host building and does not consider it would have a significant impact on security of the surrounding area.
- 10.27 The host building benefits from an existing alarm system movement/heat sensors installed in each of the office area and all of the external doors have alarm contacts. The CCTV cameras are linked to a recording platform that retains the data for 1 month, with both 12 no. internal dome cameras, 5 no. bullet cameras covering the terrace/external stairwell, the main reception doors, the ground floor main office fire exit and along the street and another towards the parking bays. There are also 2 no. door panel cameras to the main entrance and storage bay doors. A mixture of the door panel and 5 no. other the units control access on a number of external and internal doors.
- 10.28 Therefore, it is considered that the proposal would be acceptable in terms of its impact on the security of the surrounding area.

### **Other matters**

- 10.29 Concerns have been raised in relation to the maintenance of the proposed air conditioning units and the potential for them to overheat. Whilst it is expected that the units would be regularly maintained by the applicant this is not considered to be a material consideration and is therefore not relevant to the assessment of the application. In addition, the potential for birds to sit on top of the units and the resultant faeces to the surrounding area, is not considered to be material to the assessment of the application.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 Planning permission is sought for the installation of 2 no. air conditioning units and associated screening to the flat roof of the existing two storey building. Following an enforcement investigation to regularise the unauthorised installation of plant equipment at this location which has since been removed.

- 11.2 The application is brought to committee because of 6 no. objections received, raising valid planning matters.
- 11.3 The issues arising from the consultation carried out on the application are the impact of the air conditioning units on the amenity of the occupiers of neighbouring properties in terms of noise, disturbance, privacy, the claimed inaccuracies of the submitted noise report, the hours of operation of the units, the visual impact on the host building and surrounding area including on the Conservation Area. In addition, the potential security issues to the surrounding area, the maintenance of the units and potential heat issues as units get older. The potential for birds standing on top of the units resulting in bird faeces to the area.
- 11.4 Whilst it is acknowledged the proposal would not strictly accord with the Council's design guidance, as it may be visible from the public realm, any views would be largely obscured due to the position within roof at second floor level, the setbacks from south and east elevations and the narrow surrounding streets and position of the existing tree immediately adjacent, and the use of screening which would be goosewing grey in colour to reduce its visual prominence. The proposal is therefore considered to preserve the visual appearance and historic character of the host building and wider Northampton Square Conservation Area and would be acceptable in design terms.
- 11.5 The proposal is not considered to result in any significant amenity issues, in terms of daylight/sunlight, outlook or privacy, to neighbouring properties given its position within the roof away from residential properties, and the scale and the nature of the proposed development.
- 11.6 The Council's Acoustic Officer has confirmed that the proposal would not result in any significant noise issues to neighbouring properties, following a review of the submitted noise impact assessment, subject to a number of conditions including the operating hours, noise levels and the submission of a post mitigation installation report to demonstrate compliance.
- 11.7 Overall, the proposed development is considered to accord with the policies in the London plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

### **Conclusion**

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

## 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>Commencement</b>
	<p>CONDITION: The development hereby permitted shall be complete in full not later than 3 months from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(c) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Site Location Plan, Design and Access Statement dated May 2018, Noise Impact Assessment Scotch Partners Revision 01 dated 18/05/2018, 000, 001, 002Rev.B, 003RevB, 004RevA, 005RevA, 006RevC, 007RevC, 008RevD,</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials (Compliance)</b>
	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the plans and within the Design and Access Statement, with the acoustic screening being goosewing grey (RAL 7038) in colour. 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>Noise levels</b>
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level <math>L_{Aeq Tr}</math> arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level <math>L_{AF90 Tbg}</math>. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>REASON: In order to protect the amenity of neighbouring properties in terms of</p>

	noise
<b>4</b>	<b>Post mitigation installation noise report</b>
	<p>CONDITION: A report is to be commissioned by the applicant, using an appropriately experienced &amp; competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 3. The report shall include measurement of the new plant following installation. The report shall be submitted to and approved in writing by the Local Planning Authority within 4 months of the decision notice.</p> <p>REASON: In order to protect the amenity of neighbouring properties.</p>
<b>5</b>	<b>Hours of use/timer</b>
	<p>CONDITION: Prior to the first use and within one month of the grant of permission (as shown on the decision notice) for the hereby approved plant equipment, a timer shall be installed limiting the operation of the Mitsubishi heat pump units to between the hours of 06:30 to 20:00 Monday to Friday only. The units shall not be operated outside of these hours. The timer shall be maintained as such thereafter.</p> <p>REASON: In order to protect the amenity of neighbouring properties.</p>

#### List of Informatives:

<b>1</b>	<b>Operating levels</b>
	You are advised that in order to comply with condition 3 in relation to noise levels the hereby approved equipment should operate up to a maximum of 85% duty only.

## 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 2018 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have 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, 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**

Policy 2.10 Central Activities zone  
Policy 5.3 Sustainable design and construction  
Policy 7.4 Local Character  
Policy 7.6 Architecture  
Policy 7.8 Heritage assets and archaeology

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

#### Strategic Policies

Policy CS7 – Bunhill and Clerkenwell  
Policy CS 8 – Enhancing Islington's character  
Policy CS 9 - Protecting and enhancing Islington's built and historic environment

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

- Policy DM2.1 – Design
- Policy DM2.2 – Inclusive Design
- Policy DM2.3 – Heritage

### **D) Finsbury Local Plan 2013**

- Policy BC4 Northampton Square, Goswell Road and Spencer Street

## **3. Designations**

Bunhill & Clerkenwell Core Strategy Key Area  
Northampton Square Conservation Area  
Central Activities Zone  
Finsbury Local Plan Employment Priority Area (General)  
Bunhill & Clerkenwell Finsbury Local Plan Area

Within 50m of Hat and Feathers Conservation Area  
Mayors Protected Vistas – Alexandra Palace viewing terrace to St Paul's Cathedral  
Article 4 Direction A1-A2 (Rest of Borough)  
Article 4 Direction B1(c) to C3

#### **4. SPD/SPGS**

Urban Design Guidelines  
Northampton Square Conservation Area Design Guidelines  
Inclusive Design SPD