

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration
Department
PO Box 333
222 Upper Street
LONDON N1 1YA

PLANNING SUB-COMMITTEE B		
Date:	5th February 2015	NON-EXEMPT

Application number	P2014/4053/FUL
Application type	Full Planning Application
Ward	Bunhill Ward
Listed building	None
Conservation area	None
Development Plan Context	Central Activities Zone Core Strategy Key Area Within 50m of Conservation Area
Licensing Implications	none
Site Address	Worcester Point, Central London, EC1V 8AZ
Proposal	Application is for 3no. Satellite receivers on the roof of Worcester Point plus associated equipment, including walkway and balustrade.

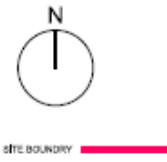
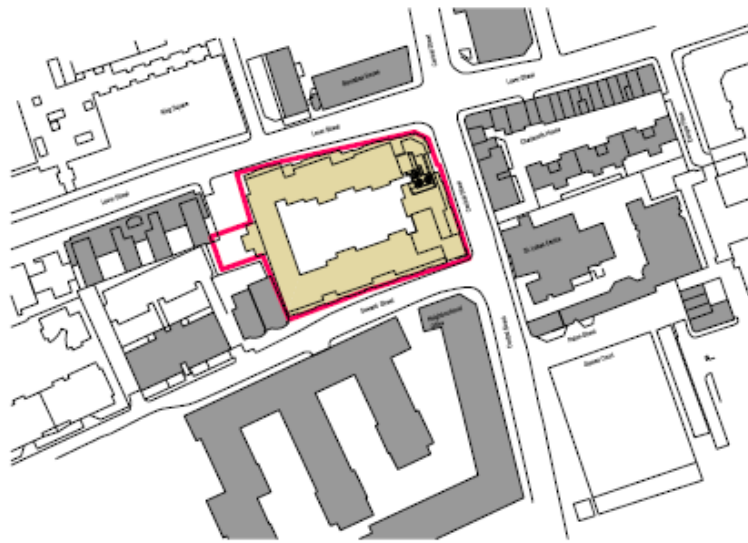
Case Officer	Joe Aggar
Applicant	Mr Paul Abbott
Agent	Mr John O'Meara

1 RECOMMENDATION

The Committee is asked to resolve to GRANT planning permission:

1. subject to the conditions set out in Appendix 1;

2. SITE PLAN (site outlined in black)



LOCATION PLAN, SCALE 1:1250

3. PHOTOS OF SITE/STREET



Image 1: Aerial view (Worcester Point marked 'A')



Image 2: View looking west Lever Street



Image 2: View looking east along Lever Street



Image 3: View from 143 Worcester Point



Image 4: view looking West at roof level of Worcester Point

4 SUMMARY

- 4.1 Planning permission is sought for the installation of three satellite dish and associated equipment including walkway and balustrade. The satellite dishes would total 3m in height including the base and be 2.4m in diameter. The proposal would be located at roof level of the existing building to the north western corner of the building.
- 4.2 The satellite dishes would be set away from the edge of the parapet. The proposed satellite dishes would not detract visually from the appearance of the building or impact detrimentally on neighbouring amenity.
- 4.3 The application is therefore recommended for approval subject to conditions.

5 SITE AND SURROUNDING

- 5.1 The application property is the Worcester Point development, a recently completed mixed use development with commercial uses on the ground and basement floors and residential above. The site fronts onto three roads, Lever Street to the north, Central Street to the east and, to the south, Seward Street. The proposal relates to the roof of the six storey frontage which faces Lever Street. The building is not within a Conservation Area but is located within 50m of the St Luke's Conservation Area.
- 5.2 The surrounding area is characterised by a range of buildings in a fairly dense configuration of a variety of ages, heights and designs, including a mixture of residential and commercial. The exception to this concentration of built form is the open area of Kings Square Gardens to the north of Lever Street. The majority of

buildings in the vicinity are 4 storeys or taller and they tend to limit or restrict views from street level in this vicinity.

6 PROPOSAL (in Detail)

- 6.1 The proposal consists of the installation of three satellite dishes and accompanying equipment including walkway and balustrade and to the north western corner at roof level. These dishes would total 3m in height including the base structure and be 2.4m in diameter. The satellite dishes are proposed to serve a TV broadcasting business located at ground floor for receiving and distribution of their service.
- 6.2 The application has been referred to the planning sub-committee due to the level objections received.

7 RELEVANT HISTORY

PLANNING APPLICATIONS

- 7.1 Worcester Point, Central Street, planning application ref: P2014/3596/S73 for the 'Variation of a condition 2 (drawings) of planning permission P2013/3173/FUL to re-position x2 satellite dishes plus associated equipment including walkway and balustrade' is under assessment.
- 7.2 Worcester Point, Central Street, planning application ref: P2014/3169/FUL for the 'Installation of 1no. Satellite and associated equipment including walkway and balustrade' is under assessment.
- 7.3 Worcester Point, Central Street, planning application ref: P2014/0790/NMA for the 'Non Material minor amendment of planning permission P2013/3173 dated 31 October 2013 for repositioning of 2 no. approved satellite dishes on roof' was APPROVED on 27/03/2014.
- 7.4 Worcester Point, Central Street, planning application ref: P2014/0659/FUL for the 'Installation of 6 x satellite dishes on roof,' was REFUSED on 27/05/2014.

REASON: The proposed 5 satellite dishes on the Lever Street elevation and associated screening to the northern elevation by reason of their height, scale and location, result in an incongruous addition and visually harmful feature when viewed from the public realm and as such would detract from the character of the host building and to the wider streetscape The proposed form of development is therefore contrary to and Policies CS8 and CS9 of the Islington's Core Strategy 2011; Development Management Policies DM2.1 and DM2.7 and the Islington's Urban Design Guide.

- 7.5 Worcester Point, Central Street, planning application ref: P2013/3173/FUL for a 'Installation of 2 x satellite dishes on roof,' was GRANTED on 31/10/2013.

PRE APPLICATION ADVICE

- 7.6 Worcester Point, Central Street, pre planning application ref: Q2014/2737/MIN for the 'Erection of three satellite dishes on the roof of the Lever Street.'

ENFORCEMENT:

7.7 No history.

8 CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of adjoining and nearby properties on the 24/10/2014.. These expired on the 14/11/2014. . A further period of consultation was carried out which commenced on the 15/12/2014 due to update the description to better reflect the proposal. This consultation period expired on the 30/12/2014. At the time of the writing of this report 38 objections had been received from the public with regard to the application. Members will be updated at committee of any additional responses received. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets).

- Satellite dishes will occupy communal terrace (10.26)
- Changing the nature the use of the roof (10.25)
- Decrease value of property (10.22)
- Obscure views (10.14)
- Affect the green roof (10.19-10.20)
- Precedent for more dishes (10.24)
- Dishes installed within 50m of a conservation area (10.2-10.10)
- Residents not given 21 days in the second consultation (10.23)
- Access to the dishes contravenes lease (10.21)
- Health risk of the satellite dishes (10.11-10.12)
- Noise and mechanical movements (10.11)
- Views from windows diminished (10.11-10.18)
- Loss of outlook (10.11-10.18)
- Impacts on BREEAM (10.19-10.20)
- Scale of the dishes (10.2-10.13)

Internal Consultees

8.2 Sustainability Officer: there will be some loss of living roof, however these losses will be small and impact unlikely to be significant.

8.3 Public Protection Officer: no objections.

8.4 Design and Conservation Team: no objections.

External Consultees

8.5 None

9 RELEVANT POLICIES

9.1 Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following development plan documents.

National Guidance

9.2 The National Planning Practice Guidance 2014 is material consideration in the assessment of and has been taken into account as part of the assessment of these proposals.

- 9.3 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

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

Supplementary Planning Guidance (SPG) / Document (SPD)

- 9.5 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 Appearance
- Neighbouring Amenity
- Sustainability

Design and Appearance

- 10.2 Policy DM2.7 of the Development Management Policies states that telecommunications and infrastructure is an essential part of maintaining and developing a modern community; however, poorly designed and sited equipment can have a detrimental impact on the character and appearance of a building and the wider area.
- 10.3 In general it is not acceptable to locate satellite dishes and other telecommunications and utilities equipment on the front of buildings and other locations where they are visible from the public realm. On-street location of telecommunications boxes and other utilities equipment should be avoided where possible and designed and located to minimise street clutter and conflict with street furniture. It is generally reasonable to expect satellite equipment to be located at roof level.
- 10.4 The proposed development, would be sited towards the centre of the roof of this 5 storey building plus set back roof addition. This overcomes the concerns of the previous application (P2014/0659/FUL) which related to the proposal being located at the edge of the parapet and therefore visible.
- 10.5 The majority of buildings in the vicinity are 4 storeys or taller and they tend to limit or restrict views from street level. The satellite dishes would be located in the north western corner of the building and it is views around this area which are considered most sensitive. The previous proposal abutted the front parapet along Lever Street which was not seen to mitigate their appearance and as result was not considered appropriate.
- 10.6 In terms of the likely visual impact, regard has been given to the photomontages provided and observations from a variety of public vantage points and from those observed during the site visit. When approaching Lever Street, from the west, it may be possible to see the dishes from the pavement on the northern side but this is only

likely to be the top part and from some distance away, and not at close quarters. When coming from the east, the proposal would probably not be in view due to the siting of the dishes. It is acknowledged there would be views of the dishes from Kings Square, however these views would again be over some distance. The positioning and number of dishes would not appear as an incongruous feature against the sky from these positions and they are not considered to have a visually harmful impact.

- 10.7 Turning to potential views from residents, whilst resident's private views are a consideration, overwhelmingly consideration is given to views from the public realm in terms of design and context. In this instance the functional appearance of the satellite dishes does not result in undue harm that would warrant refusal of the application.
- 10.8 In summary, the visual impact at street level is likely to be limited to a few locations in the surrounding area where only the upper part of the dishes are likely to be seen. The limited views from street level of the proposed dishes, they are not considered as an obtrusive or incongruous feature on the skyline as efforts have been made to step these back from the parapet. The positioning in the centre of the roof, away from the parapets of the building, would mitigate the impact considerably and the associated equipment and railings are likely to be obscured from view from all street level vantage points.
- 10.9 The proposed development should not conflict with the guidance in the Islington Urban Design Guide (2006) where possible. Paragraph 2.6.3 concerns telecommunication and aerials and states they should not dominate the public realm and should only be allowed where they are largely obscured and do not impact adversely upon the skyline from longer views. Given the above reasoning the proposal is considered to satisfy this guidance.
- 10.10 Objections have been raised in regards to the impact of the proposed dishes on the setting of the adjoining Conservation Area. Provisions in the Planning (Listed Buildings and Conservation Areas) Act 1990 impose obligations on those considering whether to grant planning permission or listed building consent for development or works that affect the historic environment. In such cases, it is necessary to have special regard to preserving or enhancing the character or appearance of conservation areas affected by development proposals. Due to the limited visibility of the proposed satellite dishes the proposal is not considered to negatively impact the adjoining conservation area.

Neighbour Amenity

- 10.11 The Public Protection Officer has assessed the proposals and advised that there are no noise sources associated with the proposed dishes that will give rise to noise outbreak impacting upon nearby residential properties. Moreover the department are not aware of any previous noise complaints about the operation of satellite dishes.
- 10.12 The Public Protection Officer has raised no concern of the satellite dishes causing health concerns based on Advisory Group on non-ionising radiation (AGNIR's) findings. Moreover the satellite dishes are likely to be orientated in a skyward direction with radio frequency pointed upwards rather than towards any residential.
- 10.13 The satellite dishes, including their bases would be approximately 3m in height and have a radius of 2.4m in diameter. The dishes would be located at roof level and not located adjacent to habitable windows.

- 10.14 It is not the role of the planning system to protect private views. Where a development would interfere with the outlook from a habitable room window, to the extent that the building/structure would appear unduly intrusive and oppressive, then this loss of outlook or increased sense of enclosure becomes an important consideration
- 10.15 The dishes would be set in from the inner parapet edge, located centrally on the roof and located approximately 30m from any potentially resident's windows, facing inwards to the courtyard. Given this separation distance and the orientation there would be no loss of daylight and it is not considered to cause undue loss of outlook or an increased sense of enclosure that would warrant refusal of the application.
- 10.16 Policy DM2.1 states that developments should "provide a good level of amenity including consideration of...outlook." Paragraph 17 of the NPPF also states that developments should secure a good standard of amenity for all existing and future occupants of land and buildings.
- 10.17 Whilst satellite dishes are very functional in appearance, as the facing windows and terraces to the south are considered to be sited sufficiently far away (30m) there is no impact in terms of outlook, loss of light or increased sense of enclosure.
- 10.18 A minimum distance between buildings to maintain an adequate outlook is not set out within Islington's Development Management Policies or within any supplementary planning guidance but must be considered on a case by case basis taking into account amongst other things the size and scale of the structure. In light of the above it is considered that the proposed three satellite dishes would not unacceptably compromise outlook, and that a good standard of amenity is provided for all occupiers of the buildings, consistent with policy DM2.1 and paragraph 17 of the NPPF.

Sustainability

- 10.19 The proposal would be located on a platform above the green roof. Whilst it is acknowledged there would be some loss of green roof to accommodate the platform, this loss would be minimal and have no adverse effect on the functioning of the green roof. Further information has been provided regarding the walkway which are designed to sit above the roof levels to allow light to penetrate through. There will be some shading as a result of the satellite dishes and associated structures. This may impact upon any established species in this area of the roof, but on the other hand provide shaded area that will provide variation of habitat.
- 10.20 The Sustainability Officer has advised that due to the negligible impact on the green roof this would not affect the BREEAM rating of the building as a whole and the limited impact is acceptable.

Other Matters

- 10.21 Issues have been raised in relation to access. Whilst consideration has been given to the walkway, the issue of access to the roof is considered a civil matter and therefore is not assessed. The green roof is not an amenity area. In any case access would be required for maintenance. Moreover the installation of the dish and issues to do with access that relate to leasehold matters are not a material planning consideration and are not an issue that can be taken into account. This is civil matter.
- 10.22 Objections have been received regarding decrease in the value of property. In planning terms this is not considered a material consideration and therefore does not hold weight in the assessment of the application.

- 10.23 Objections have been received regards the lack of correct notification given. No revisions to the proposal had been received. The additional period for consultation was carried out to better reflect the description of development, therefore a further 14 days is considered an appropriate amount of time. In any case, original representation received were still considered in the assessment of the application. Representations are also taken into account up until the time of decision.
- 10.24 Each application is assessed on its own merits. It is not considered a justifiable reason to refuse this application on the basis of further applications of this nature.
- 10.25 Concerns have been raised regarding the change in the nature of the use of roof. This application is assessed on the basis of operational development to implement the dishes and this application is not seen to result in a change of use at roof level.
- 10.26 The green roof is seen not to be a communal area for amenity space ie. Sitting out. Therefore there is no considerations given to its loss as an communal amenity space as this is not the case.

11 SUMMARY AND CONCLUSION

Summary

- 11.1 The proposed satellite dishes and associated equipment are considered to be acceptable with regards to design and impacts on neighbour amenity and sustainability.
- 11.2 As such, 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

- 11.3 It is recommended that planning permission be granted subject to conditions in Recommendation A.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	Commencement
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>L(0)229; PL(0)230; PL(0)231; PL(0)232; PL(0)233; Design and Access Statement; P(0)225; P(0)226; PL(0)227; PL(0)228.</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>
4	Materials
	<p>CONDITION: Details of all new walkways and platforms shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.</p> <p>The development shall be carried out in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure that there is no adverse impact on the green roof.</p>
5	Removal
	<p>CONDITION: In the event the satellite dishes hereby approved are no longer required, they shall be removed from the property.</p> <p>REASON: To ensure a satisfactory standard of visual amenity.</p>

List of Informatives:

1	Positive Statement
	<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>Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant.</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.

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.

Development Plan

The Development Plan is comprised of the London Plan 2011, 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 2011 - Spatial Development Strategy for Greater London

7 London's living places and spaces:

7.4 Local character

7.6 Architecture

B) Islington Core Strategy 2011

Spatial Strategy

CS8 (Enhancing Islington's Character)

Strategic Policies

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

C) Development Management Policies June 2013

DM2.1 Design

DM2.7 Telecommunications

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington
- Urban Design Guide

London Plan