

# PLANNING COMMITTEE REPORT

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

<b>PLANNING SUB-COMMITTEE B</b>		
Date:	5th February 2015	NON-EXEMPT

Application number	P2014/3596/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	Variation of condition 2 (drawings) of planning permission P2013/3137/FUL to re-position x2 satellite dishes plus associated equipment including walkway and balustrade.

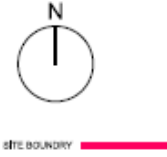
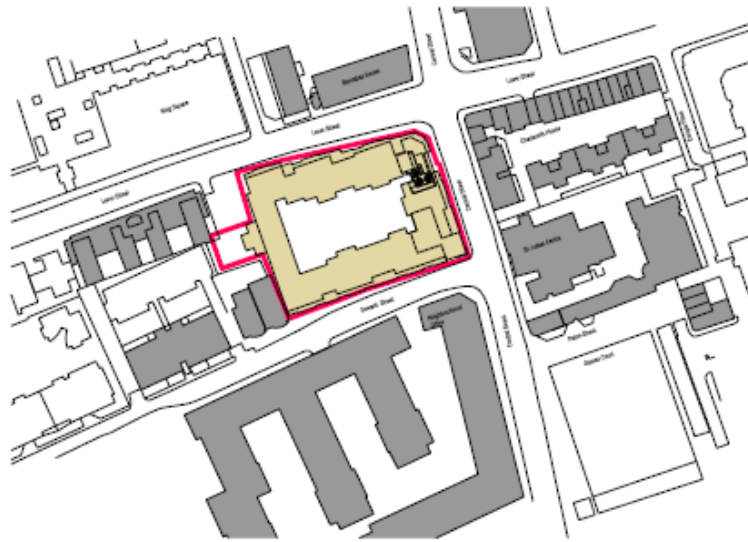
Case Officer	Joe Aggar
Applicant	Mr Paul Abbott
Agent	Mr John O'Meara

## 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 from the corner of Central Street and Lever Street



Image 3: View from northern terrace



Image 4: view looking West from 143 Worcester Point

## **4 SUMMARY**

- 4.1 Planning permission is sought for the repositioning of two previously approved satellite dishes and associated equipment including walkway and balustrade. The resited dishes would be located at roof level of the existing building to the north eastern edge. This application is linked to another application (ref P2014/3169/FUL) to position 1 satellite dish at roof level. In order to position this additional dish the two previously approved dishes need to be resited.
- 4.2 The principle of satellite dishes in this location has previously been established. The proposed resited dishes would be set away from the edge of the parapet. The proposed resited satellite dishes would not detract 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 corner frontage which faces Central Street and 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.

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

- 6.1 The proposal consists of the repositioning of two satellite dishes and accompany equipment including walkway, balustrade and screen to the north eastern edge of the roof. The satellite dishes are 2.4m in diameter and would measure approximately 3m in height including the base. The design and appearance of the dishes will not alter. The dishes are proposed to be moved south to accommodate a further satellite dish.
- 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: P2014/4053/FUL for the 'Application is for 3no. Satellite receivers on the roof of Worchester Point 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.
- 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.
- 7.6 Worcester Point, Central Street, planning application ref: P2013/2793/S73 for a 'Application under s73 of the Town and Country Planning Act (1990) to vary condition 2 (approved plans) to allow for changes to the facades and condition 6 (BREEAM) to allow for a change from 'excellent' to 'very good' of planning permission reference P122148 dated 22 January 2013. The application also proposes an amendment to the unilateral undertaking to allow for a financial contribution towards the provision of affordable workspace as an alternative to on-site provision,' was GRANTED on 31/10/2013.

#### **PRE APPLICATION ADVICE**

- 7.7 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:**

- 7.8 No history.

### **8 CONSULTATION**

#### **Public Consultation**

- 8.1 Letters were sent to occupants of adjoining and nearby properties on the 30/09/2014. These expired on the 21/10/2014. 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 23 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).

- Obscure views from the terrace (10.12-10.17)
- Loss of daylight (10.12-10.17)
- Affect communal roof terrace (10.12-10.17)
- Affect the green roof (10.18-10.19)
- Precedent for more dishes (10.24)
- Add to the roofline (10.4-10.11)
- Dishes installed within 50m of a conservation area (10.11)
- 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 (10.12-10.17)
- Noise and mechanical movements (10.12-10.17)

- Views from windows diminished (10.12-10.17)
- Loss of outlook (10.12-10.17)
- Impacts on BREEAM (10.19-10.20)

### **Internal Consultees**

- 8.2 The Sustainability Officer: there will be some loss of living roof, however these losses will be small and impact unlikely to be significant.
- 8.3 The Public Protection Officer: no objection.
- 8.4 The Design and Conservation Team: no objection.

### **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

- 10.2 Section 73 of the Town and Country Planning Act 1990 concerns 'Determination of application to develop land without compliance with conditions previously attached'. It is colloquially known as 'varying' or 'amending' conditions. Section 73 applications

also involve consideration of the conditions subject to which planning permission should be granted. Where an application under s73 is granted, the effect is the issue of a fresh grant of permission and the notice should list all conditions pertaining to it.

- 10.3 Alterations to planning policy and other material considerations since the original grant of planning permission are relevant and need to be considered. However, these must be considered in light of the matters discussed in the previous paragraphs and the fact that the structures have previously been granted planning permission.

### **Design and Appearance**

- 10.4 Policy DM2.7 of the Development Management Policies states that good 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.
- 10.5 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.
- 10.6 The proposed development, would be sited towards the centre of the roof of this 5 storey building plus set back roof addition.
- 10.7 The majority of buildings in the vicinity are 4 storeys or taller and they tend to limit or restrict views from street level. The configuration of the two dishes would remain. These are proposed to be moved south to accommodate an additional dish.
- 10.8 Sight lines have been provided with the drawings. These indicate the dishes would not be seen from Central Street or Lever Street. The dishes would be located in the north eastern corner of the building and it is views around this area which are considered most sensitive. A screen would be located to this façade to diminish views of the dishes, the principle of which was previously approved.
- 10.9 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 may be seen. Even from these positions these would not stand out as an obtrusive or incongruous feature on the skyline. The positioning of the two dishes further south is therefore not seen to have an adverse visual effect on the building and as such the proposed alteration is seen as acceptable.
- 10.10 A proposal should not conflict with guidance in the Urban Design Guide (2006). Paragraph 2.6.3 concerns telecommunication and aerials and advises that 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 resiting of two dishes in this location is seen as acceptable. Moreover national policies and local policies concerning satellites, including the Council's own Urban Design Guide, do not require invisibility from street level.
- 10.11 Objections have been raised in regards to impact 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 resited satellite dishes and the previous permission which establishes the principle of satellite dishes close to this location, the proposal is not considered to negatively impact the adjoining conservation.

### **Neighbour Amenity**

- 10.12 The Public Protection Officer has assessed the proposals and has advised that there are no noise sources associated with the resited 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.
- 10.13 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.
- 10.14 These resited satellite dishes would be approximately 3m in height into total and have a diameter of 2.4m. The dishes would be located at roof level and not located adjacent to habitable windows.
- 10.15 The dishes would be set in from the inner parapet edge, located centrally on the roof and located some distance from any potentially affected resident's windows to residents which face inwards to the courtyard. The screening would be 2.1m high. On balance, taking into account that there would be no loss of daylight due to the orientation and the distance to the residential facing windows of the courtyard the resiting of two satellite dishes is not considered to cause undue loss of outlook or an increased sense of enclosure that would warrant refusal of the application.
- 10.16 Objections have been raised regards loss of a view. In planning terms the loss of a view is not a material consideration and therefore this objection holds little weight.
- 10.17 The proposed resited dishes are located behind the existing building core. The installation of the dishes is not seen to compromise the use of the communal terrace as an ancillary amenity space to the flats.

### **Sustainability**

- 10.18 The proposal would be located on 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 the shaded area that will provide variation of habitat.
- 10.19 Due to the limited impact on the green roof, the Sustainability Officer has advised that this would not affect the BREEAM rating of the building as a whole.

- 10.20 Under planning application P2013/2793/S73, a change was proposed to condition 6, this permission reduced the requirement for a BREEAM rating of 'Excellent' to 'Very Good'. BREEAM relates to a high level of environmental sustainability in terms of thermal comfort, water quality, safety and security, amongst other things. The minimal impact on the green roof would be not considered to down grade overall BREEAM of the building in this context.

### **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 green roof is considered a civil matter and therefore is not assessed. The green roof is not an amenity area to be accessed. ie. Sitting out and is accessed for maintenance only. Moreover the resiting of the two satellite dishes 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.
- 10.22 Objections have been received regarding decrease in the value of property. In planning terms this is not considered a material planning consideration and therefore does not hold weight in the assessment of the application.
- 10.23 Objections have been received regarding the lack of correct notification given. No revisions to the proposal had been received. An additional period for consultation was to better reflect the description of development, therefore a further 14 days is considered an appropriate amount of time. In any case, original representations 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 Condition number 1 relates to the timeframe for implementation. Usually this is a 3-year time frame from the date of issue in accordance with Section 91(1)(a) of the Town and Country Planning Act 1990 (as amended). To ensure that an extension of time is not granted by the grant of this material minor amendment application, condition 1 has been reworded to relate to the expiry of the original decision notice.

## **11 SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The proposed repositioning of the 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:

<b>1</b>	<b>Commencement</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of.</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> <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of 31/10/2016.</p> <p>REASON: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted on 31/10/2013 [LBI ref: P2013/3173/FUL]. Furthermore, 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>
<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; L(0)220 Rev D, L(0)221 RevD; L(0)222 Rev D, L(0)108 RevE.</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>Screening</b>
	<p>CONDITION: Details of all screen shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The details shall include materials, profile, reveal depth and detailing.</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 the appearance of the building is acceptable.</p>
<b>4</b>	<b>Walkway</b>
	<p>CONDITION: Details of all new walkway and platform 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>
<b>5</b>	<b>Removal</b>

	<p>CONDITION: In the event the satellite dishes hereby approved are no longer required, they shall be removed from the property.</p>
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	<p>REASON: To ensure a satisfactory standard of visual amenity.</p>
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**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>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)

#### **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**

- Islington Urban Design Guide

##### **London Plan**