

## PLANNING COMMITTEE REPORT

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

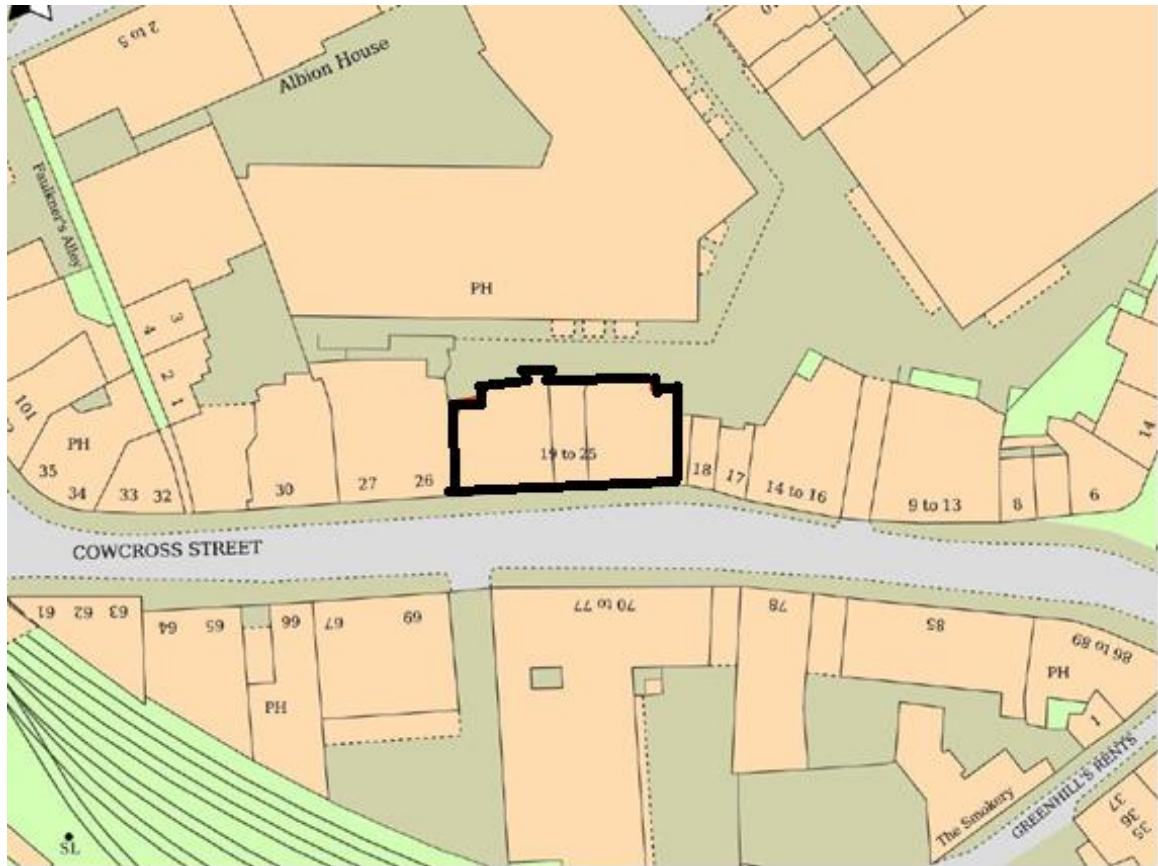
PLANNING SUB- COMMITTEE B		
Date:	3 <sup>rd</sup> September 2015	<b>NON-EXEMPT</b>
Application number	P2015/0634/FUL	
Application type	Full Application	
Ward	Clerkenwell	
Listed Building	No	
Conservation Area	Charterhouse Square	
Licensing Implications Proposal	None	
Site Address	Zinc House, 19-25 Cowcross Street	
Proposal	Installation of 12 Heat Pump Units at Roof Level, One Heat Pump Unit at Fifth Floor Balcony Level, Two Heat Pumps at Fourth Floor Balcony Level and Associated Visual/Acoustic Screening.	
Case Officer	Duncan Ayles	
Applicant	City Apartments Ltd	
Agent	Natalie Walter	

### 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)



### 3 PHOTOS OF SITE/STREET

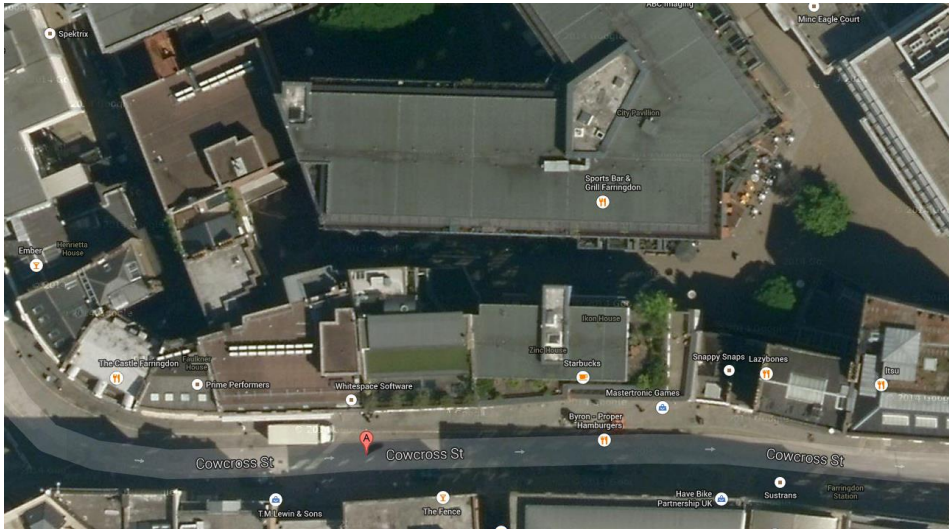


Image 1: Aerial view of the site.



Image 2: Photograph from roof of Zinc House showing relationship to City Pavillion



Image 3: Photograph from roof of Zinc House showing relationship to City Pavilion

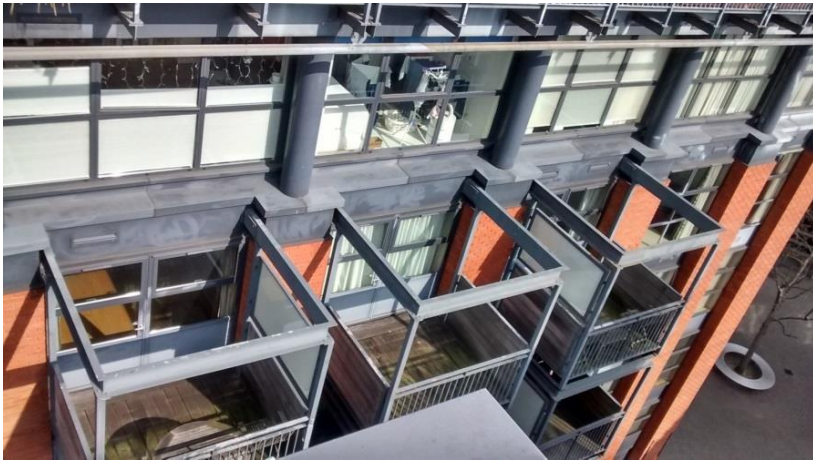


Image 4: Photograph from Zinc House roof toward lower level apartments.



Image 5: Photograph from roof of Zinc House showing existing heat pump at Balcony Level.

#### **4. SUMMARY**

- 4.1 The application is for the installation of 12 air conditioning heat pumps at roof level, one heat pump at fifth floor balcony level and two heat pumps at fourth floor balcony. The application also includes details of acoustic and visual barriers for the heat pumps at roof level, fourth floor balcony level and fifth floor balcony level.
- 4.2 Objections have been received from the occupants of City Pavilion to the north of the application site, raising issues including noise pollution, loss of light, outlook and daylight. The amenity impact is considered to be acceptable in terms of the impact on outlook, noise and sunlight and daylight. The heat pumps and associated screening will not be publicly visible, and therefore will produce no significant impact on the character and appearance of the Conservation Area.
- 4.3 The proposed development is therefore considered to be acceptable, and it is recommended that the application is granted consent subject to the conditions within Appendix One.

#### **5. SITE AND SURROUNDING**

- 5.1 The application site is located at Zinc House, a mixed use building that fronts Cowcross Street close to Farringdon Station. The building contains a retail use at ground floor with serviced apartments above. Zinc House already contains two air conditioning units which are situated on a balcony on the northern elevation of the building.
- 5.2 A residential building, City Pavilion, is located approximately 6 metres to the north of the application site. The apartments within this building contain balconies which face toward Zinc House. To the north east of the application site there is an area of public space.
- 5.3 The land use to the south of the application site is predominantly commercial, with retail uses at ground floor level and offices above. The area experiences a significant amount of background noise during the night and day, including from a number of pubs and bars within the area, including Fabric Nightclub to the east of the application site.

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

- 6.1 Planning permission is sought for the erection of 12 heat pump units at roof level, one heat pump at fifth floor balcony level and two heat pumps at fourth floor balcony level. The heat pump units at roof level will be situated close to the existing lift over run on the building, and a visual and acoustic screen will be erected on the northern side of the units. The proposed visual screening will have a height of 1.2 metres, which is approximately in line with the height of the existing lift over run.
- 6.2 The proposed air conditioning units are being proposed to cool the serviced apartments within Zinc House. The application site is located within close proximity to the Fabric Nightclub, and consequently the area experiences a significant amount of noise during the night. This means that occupants of the apartments are unable to cool and ventilate the properties by leaving their windows open.
- 6.3 The proposed heat pump units at fifth and fourth floor level are situated behind existing balcony screens, and consequently will not be externally visible. The fourth

and fifth floor balcony units will be situated within acoustic enclosure, with a height of 1.5 metres. The heat pumps will be from the Samsung Eco Heating System range.

**Planning Applications:**

- 7.1 P2014/4603/FUL: An application for the installation of 15 heat pumps at roof level with associated visual/acoustic screens was withdrawn. This was following concerns raised by officers in respect of the impact of the proposed louvres on the outlook of properties at City Pavilion, and the impact on the character of the Conservation Area.

**Enforcement:**

- 7.2 None

**Pre-application:**

- 7.3 None

**8 CONSULTATION**

**Public Consultation**

- 8.1 Letters were sent to occupants of 122 adjoining and nearby properties on the 25<sup>th</sup> of February. A site and press notice was also displayed. Following the reception of amended plans, consultations occurred on the 20<sup>th</sup> of April and the 10<sup>th</sup> of June. The final consultation therefore expired on the 17<sup>th</sup> of June.
- 8.2 At the time of the writing of this report 13, objections had been received from 8 objectors. The objections can be summarised as follows (with the relevant paragraph numbers that provide responses to those issues indicated in brackets):

-Impact on the amenity of neighbouring properties including in respect of loss of daylight, sunlight and outlook (10.8-10.14)

-Concerns in relation to the noise emitted by the heat pumps, including comments raising inconsistencies within the application documents (10.17-10.19)

**Internal Consultees**

- 8.3 **Design & Conservation:** The proposal is acceptable, provided the units are not publicly visible.

**Acoustic Officer:** The pollution team accept the details submitted with the louvres/solid panels and within the amended acoustic report. The plant should be conditioned, and this is included as conditions 3 & 4.

## **9. REVELANT 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.

### **National Guidance**

- 9.1 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.
- 9.2 The National Planning Practice Guidance is a material consideration and has been taken into account as part of the assessment of these proposals.

### **Development Plan**

- 9.3 The Development Plan is comprised of the London Plan 2015, 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)**

- 9.4 The relevant SPGs and/or SPDs are listed in Appendix 2.

## **10. ASSESSMENT**

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

- Design and Impact on the Character and Appearance of the Conservation Area
- Impact on the Amenity of Neighbouring Properties

### **Principle of Development**

- 10.2 There are no planning policies that relate specifically to development of roof plant such as air conditioning. However, policies with respect to the design of new development and the impact of new development neighbouring amenity are relevant. Section 2.6.4 of the Islington Urban Design Guide SPD confirms that visible roof plant that is not an integral part of the building should normally be avoided, particularly where it is publicly visible or harms neighbour amenity.
- 10.3 Policy DM 6.1 states that noise generating uses should be sited away from sensitive receptors such as residential properties. Appendix 10 provides specific quantities guidance in respect of noise, stating that the noise emissions, measured 1 metre away from the sensitive façade should not exceed 5 dB below the existing background noise level. The council's noise officer has raised no objections to the number or location of the proposed heat pumps subject to conditions 3 & 4 in Appendix 1.

- 10.4 Consequently there is no objection in principle to the proposal, subject to the visual impact of the works and the impact on neighbour amenity in respect of outlook and noise.

**Impact of the Development on the Character and Appearance of the Existing Building and the Conservation Area.**

- 10.5 The host building is a five storey mixed use building that fronts Cowcross Street. The building contains retail uses at ground floor level and serviced apartments on the upper floor levels. The upper floors are set back from the front and elevations, and the building includes a significant lift over run. The proposed louvres at roof level will have a height of 1.12 metres, which approximately matches the height of the lift over run.
- 10.6 The proposed acoustic louvers will be set back from the flat roof of the building, which in turn is set back from the front and rear facades of Zinc House. Given the height of the Zinc House, and the relative narrowness of Cowcross Street, the proposed roof plant will not be visible from Cowcross Street, including from longer distance views. It is also considered that the heat pump units will not be visible in the area of public space to the north-east of the application site.
- 10.7 Similarly the heat pump units proposed at fourth and fifth floor balcony level will be located behind an existing wall. Consequently these units will not be publicly visible, and will not lead to any impact on the external appearance of the building or character of the Conservation Area.
- 10.8 It is accepted that the roof level heat pump units and louvres will be visible from the top floor residential units within City Pavilion, which face toward Zinc House. The proposed louvres will have a plain, utilitarian appearance, which accords with the existing character of the building's roof and lift over run. Stainless steel, the materials proposed for the louvres, is used on the fascia of Zinc House, and on an external staircase. The proposed heat pumps will not, therefore, be an incongruous feature on the building or give rise to any adverse impact on the character of the building. The roof level heat pump units and associated screening are considered to be adequately set back of the main roof's roof edge to ensure that they do not appear as dominant or overbearing features when viewed from the top floor windows and balconies of residential units located within City Pavilion.
- 10.9 As such, the proposal would not materially alter the overall appearance of the building and the surrounding townscape or the adjacent charterhouse square Conservation Area. Therefore, the proposal is considered to accord with policies 7.4 (Local character), 7.6 (Architecture) of the London Plan 2011, policy CS8 (Enhancing Islington's character) of the Islington Core Strategy 2011, and policy DM2.1 (Design) of the Islington Development Management Policies 2013.

**Impact of the Development on Living Conditions of Neighbouring Occupiers**

Outlook and Loss of Light

- 10.10 Policy DM2.1 of the Development Management Policies Plan states that 'developments are required to provide a good level of amenity including consideration of overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.' Objections have been received in



relation to the impact of the proposal on neighbouring properties, specifically in relation to the possible loss of outlook and loss of light.

- 10.11 The top floor roof on which the application site is located is approximately in line with the top floor balconies situated on City Pavilion. Consequently the proposed 1.2 metre acoustic louver will be visible from the balconies of these properties.
- 10.12 However, as the balconies at City Pavilion are located approximately 7 metres away from the location of the proposed louvre, and given the height of the louvre (1.2 metres) it is not considered that the louvres would give rise to a substantial impact on the outlook of these properties nor would they appear as a dominant or overbearing structure. The top floor of City Pavilion is formed of a number of residential properties that contain large external balconies, each with a width several metres across. This provides the properties with an expansive outlook, in which the proposed louvres will be a relatively small part. The proposal will not, therefore, give rise to any adverse feeling of enclosure to the properties at City Pavilion.
- 10.13 Concerns have also been raised by occupants of flats at lower levels. However, as the proposed louvres will be set at a higher level than these flats and set in from the roof edge, it is not considered that the louvres at roof level would alter the outlook of properties at lower levels. The relationship between these properties and Zinc House is shown within photograph four.
- 10.14 A number of occupants of City Pavilion have also raised the potential for loss of daylight and sunlight to occur as a result of the erection of louvres. However, the acoustic louvers are set back by 1.2 metres from the edge of the flat roof, and 2.55 metres from the rear elevation of Zinc House. Given that both louvres will have a width of only 1.3 metres and a height of 1.2 metres respectively and will be in line with the existing lift over run, it is considered that the extent of loss of daylight and sunlight would be negligible.
- 10.15 In addition to the proposed units at roof level, the applicant proposes to install two units on a balcony at fourth floor level. These units will be behind an existing wall, and such will not be visible to the occupants of City Pavilion.
- 10.16 The proposal is therefore considered to be acceptable in terms of its impact on the amenity of neighbouring properties in terms of the impact on daylight, sunlight and outlook, and is in accordance with policy DM 2.1.

### **Noise Impacts**

- 10.17 Objections have also been received in relation to potential noise impacts arising from the development. Following negotiation and discussion with the applicant, an amended noise report has been provided in support of the application. This report provides an assessment of the likely impact of the proposed development, taking into account of the louvres shown within the application drawings.
- 10.18 While it is noted that inconsistencies were previously apparent between the required acoustic measures proposed within the acoustic report and the application drawings, the final acoustic report is fully consistent with the drawings submitted. The application drawings also show acoustic screening in relation to the fourth and fifth floor units, which accords with the recommendations within the latest version of the acoustic report.

10.19 The report has been assessed by the Council's acoustic officer, who has confirmed that the noise details included in the amended report are acceptable. He has confirmed that the amended details are sufficient to demonstrate no adverse impact on the amenity of the properties to the north through the emission of noise. A condition is recommended to ensure that the cumulative noise level does not exceed 5db (A) below the background noise level measured 1 metre away from the sensitive facade. Provided this condition is imposed, the proposal is considered to be in accordance with policy DM 6.1.

## 11. SUMMARY AND CONCLUSION

### Summary

11.1 The proposed acoustic louvres will be visible from the top floor flats and balconies of City Pavilion to the north of the application site. However, due to the separation distance proposed, and the size of the balconies to these flats, the impact on the outlook of the properties is considered acceptable.

11.2 Similarly the louvres will give rise to a minimal impact through the loss of daylight and sunlight, and will not lead to an adverse impact on the amenity of neighbouring properties through the emission of noise. The proposed development will not give rise to any material impact on the character of the Conservation Area, as the proposed air conditioning units and louvres will not be publicly visible. The amenity of the proposal is therefore in accordance with policies DM 2.1, 2.3 and DM 6.1.

### Conclusion

11.3 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 – 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 (Compliance)</b>
	<p>3 YEAR CONSENT PERIOD: 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>
<b>2</b>	<b>Approved Plans List: (Compliance)</b>
	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Existing Roof Plan, Acoustic Consultancy Report (<i>dated 09/06/2015</i>), Caice Systems Specification Memo, JDP-T87-R1-50-00 rev T6, JDP-T87-04-50-00 T1, Site Location Plan.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended</p>

	and also for the avoidance of doubt and in the interest of proper planning.
<b>3</b>	<b>Noise (Compliance)</b>
	<p>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: To protect the occupiers of nearby properties from noise pollution, and to accord with policy DM 6.1</p>
<b>4</b>	<b>Acoustic Louvres ( Compliance)</b>
	<p>The acoustic louvres approved hereby shall be installed in strict accordance with the specification provided within the Caice Systems Memo (dated 01/06/2015), and on the plans JDP-T87-R1-50-00 rev T6, JDP-T87-04-50-00 T1, within 28 days of the plant being installed and shall be permanently retained and maintained as such.</p> <p>REASON: To protect the amenity of occupiers of nearby properties in terms of visual amenity and noise pollution.</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. Whilst this wasn't taken up by the applicant, and although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p> <p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.</p>
<b>2.</b>	<b>Other legislation</b>
	You are reminded of the need to comply with other regulations/legislation outside the realms of the planning system - Building Regulations & Equalities Act
<b>3.</b>	<b>Part M Compliance</b>
	<p>You are advised that the scheme is required to comply with -</p> <ul style="list-style-type: none"> <li>• The Building Regulations 2000 Approved Document Part M 'Access to and use of buildings',</li> </ul> <p>For this proposal, this may include</p> <ul style="list-style-type: none"> <li>- colour contrast nosing to the external steps;</li> <li>- improvements to the handrail profile</li> <li>- glass marking manifestations</li> </ul> <p>For more information, you may wish to contact Islington Council's Building Control (0207 527 5999).</p>

<b>4</b>	<b>Construction hours</b>
.	<p>You are reminded of the need to comply with other regulations/legislation outside the realms of the planning system - Building Regulations as well as Environment Health Regulations.</p> <p>Any construction works should take place within normal working day. The Pollution Control department lists the normal operating times below.</p> <div data-bbox="327 398 1410 665" style="border: 1px solid black; padding: 5px;"><p>Delivery and operating times - the usual arrangements for noisy works are</p><ul style="list-style-type: none"><li>○ 8am –6pm Monday to Friday,</li><li>○ 8am – 1pm Saturdays;</li><li>○ no noisy work on Sundays or Public Holidays (unless by prior agreement in special circumstances)</li></ul></div>

## **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 2015, 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 2015 - Spatial Development Strategy for Greater London**

##### **1 Context and strategy**

Policy 1.1 (Delivering the strategic vision and objectives for London)

Policy 7.4 (Local character)

Policy 7.6 (Architecture)

Policy 7.8 (Heritage Assets and archaeology)

#### **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)

Policy CS17 (Sports and recreation provision)

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

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

Policy DM2.1 (Design)

Policy DM2.3 (Heritage)

Policy DM 6.1 (Healthy Development)

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

The following SPGs and/or SPDs are relevant:

- Urban Design Guide
- Charter House Square Conservation Area Design Guidelines

