

PLANNING COMMITTEE ADDENDUM REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration Department
PO Box 3333
222 Upper Street
LONDON N1 1YA

PLANNING SUB COMMITTEE		
Date:	3 rd October 2016	

Application number	P2015/3131/FUL
Application type	Full Planning Application
Ward	Barnsbury
Listed building	Not Listed
Conservation area	N/A
Development Plan Context	Employment Growth Area
Licensing Implications	None
Site Address	Unit 10, Roman Way Industrial Estate, 149 Roman Way, London N7 8XH
Proposal	Retention of four boiler flues and seven silencers to the roof of the commercial unit.

Case Officer	Duncan Ayles
Applicant	Mr William Ray
Agent	N/A

1. RECOMMENDATION

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

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

2. REASON FOR DEFERRAL

- 2.1 This report follows the deferral of the item at the planning sub- committee on the 28th June 2016. The application was deferred by members so that officers could explore alternative options relating to the flue and silencers.

3. PLANNING HISOTRY

- 3.1 **81/670:** Redevelopment of vacant sites on land either side of Offord Street with a single storey light industrial development including the extinguishment of public rights of way of the existing road, and allocation of land for pedestrian access to Barnsbury British Railway Station.
- 3.2 This consent was granted subject to conditions, including an hours of use condition (4) and a noise condition (7).

4. ASSESSMENT OF THE APPLICATION

- 4.1 Following the previous committee officers undertook a more detailed planning history search regarding the existing use at the site, and this confirmed that the site is occupied pursuant to a planning consent granted in 1981, reference: 81/760. This consent has relevant conditions which restrict hours of use and noise emissions from the site.
- 4.2 The hours of use are controlled under the 1981 consent so that the use can only occur between the hours of 7 a.m. and 11 p.m. and not at all on Sundays or Bank Holidays. Given that this condition remains enforceable, it is considered that officers are not able to impose new or varying operating hours of use through the current application, which relates only to the retention of the flues and silencers, and the application is not seeking permission for the use of the building or the internal plant equipment themselves.
- 4.3 A condition on the 1981 consent also controls noise emissions from the use, limiting to no greater than 57 dB (A) measured at the south-eastern boundary of the site, and consequently it would not be appropriate to seek to control noise emissions from the site through the current application. The noise officer has commented that the noise emissions from the unit are likely to meet the requirements of condition 7 once the silencers proposed within the application have been fully installed. If the noise level stated within the condition is not met, the Local Planning Authority would be able to take enforcement action against the occupants of the unit.
- 4.4 There is also separate environmental controls and noise legislation to address any noise nuisances. However it is important to note that the flues and silencers in this case as proposed to be retained are considered to significantly reduce odours and noise emanating from the lawful use of the unit for light industrial uses.
- 4.5 The previous committee report noted that the flues themselves were not the source of noise, but that they mitigated against noise originating from within the unit by providing additional dampening relative to the previous situation whereby the internal plant vented directly to the outside of the unit. On this basis, it is considered that the proposed silencers would have a beneficial impact in terms of the impact of the use on neighbouring properties.
- 4.6 The proposal is therefore considered to be acceptable on the grounds of noise, and in accordance with policy DM 6.1 of the DM Policies 2013.

5. CONCLUSIONS

- 5.1 The original planning consent to the site contained hours of use condition and a condition controlling noise emissions from the unit. Due to the presence of these conditions on the original consent, it is considered inappropriate to impose similar conditions on the current application, which is for the silencers and flues only. The proposal is therefore considered to be beneficial in

terms of the impact on neighbour amenity, and is in accordance with policy DM 6.1 of the DM Policies 2013.

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