



# ISLINGTON

Development Management Service  
Planning and Development Division  
Environment and Regeneration  
Department  
PO Box 3333  
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London  
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**PLANNING SUB COMMITTEE A**  
**Date:25/10/12**

**AGENDA ITEM NO: B1**  
**EXEMPT**

Application number	P120164
Application type	Full Planning Permission
Ward	Clerkenwell
Listed building	Unlisted
Conservation area	Not in a conservation area
Development Plan Context	Central Activities Zone
Licensing Implications	
Site Address:	301 St John Street
Proposal	Rooftop plant comprising one air conditioning unit and condenser unit

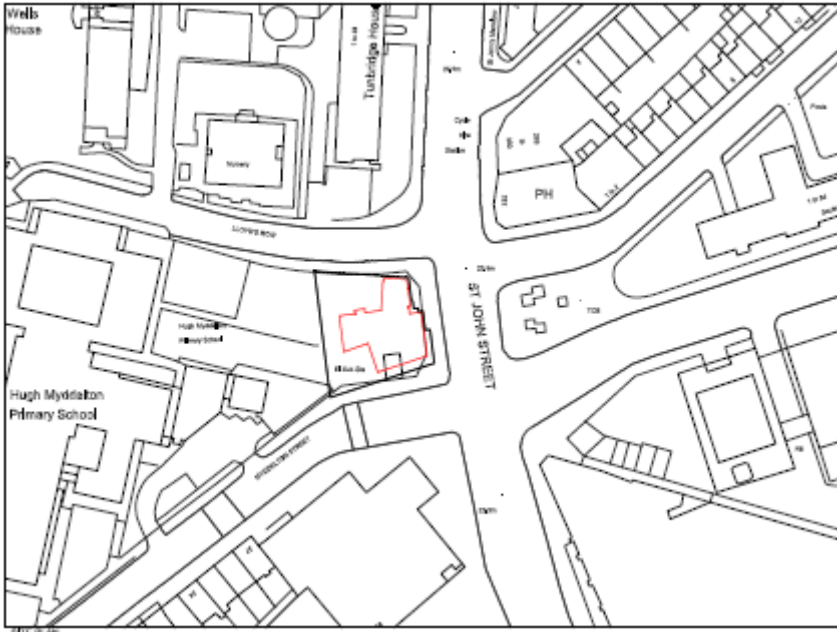
Case Officer	Sukhvinder Dhadwar
Applicant	Sainsbury's Supermarkets Ltd
Agent	Turley Associates

## 1. RECOMMENDATION

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

1. for the reasons for approval;
2. subject to the conditions set out in Appendix 1;

**2. SITE PLAN (site outlined in red)**



**3. PHOTOS OF SITE/STREET**



**4.**

## **SUMMARY**

- 4.1 The proposal relates to an air conditioning unit and refrigeration unit proposed on the seventh floor roof level by the ground floor retail store (Sainsbury's). Objections have been raised by adjoining residents in relation to the impact on residential amenity and impact on eco credentials of the building. The plant will be screened by a timber fence and is likely not to be visible from long views. The Environmental Health Officer has been consulted and as the building is located within the Central Activities Zone Location and the fact that the information submitted meets noise regulations; any will not be so significant as to justify refusal.

## **5. SITE AND SURROUNDING**

- 5.1 The proposal is on a modern seven storey mixed use building on the western side of St John Street. The building is not listed nor within a conservation area. The character of the surrounding area is a mixture of residential, educational, retail and commercial uses.

## **6. PROPOSAL (IN DETAIL)**

The installation of a rooftop plant comprising one condition unit and a refrigeration condenser unit. The unit is surrounded by timber fencing.

### **Revision 1**

- 6.1 Reduction to one air conditioning unit and condenser unit from 3 air conditioning units and a refrigeration unit.

## **7. RELEVANT HISTORY:**

Planning Applications:

- 7.1 April 2012: Advert Application under reference P120165 for a new fascia and projecting signs to St John Street, Myddleton Street and Lloyds Row frontages.
- 7.2 April 2012: Approval under Full Application reference P120166 for the installation of new shop fronts to St John Street. Myddleton Street and Lloyds Row frontages.
- 7.3 January 2008: Approval under reference Full Planning Reference P071116 for the erection of nine storey, mixed use building, comprising commercial and 32 residential units on the upper floors.

## **8. CONSULTATION**

### **Public Consultation**

- 8.1 A total of 89 Letters were sent to occupants of adjoining and nearby properties at St John Street, Lloyd's Row and Northampton Square on 7/3/12, 14/6/12 and 15/8/2012. A site notice and press advert were displayed on 29/3/12. The public consultation exercise therefore expired on 5/9/12; however it is the Council's practice to continue to consider representations made up until the date of a decision.

- 8.2 At the time of writing this report a total of 36 responses had been received from the public with regard to the application. The issues raised can be summarised as follows
- 8.3 Increased risk of Legionnaires Disease
- 8.4 Plant needs to be licensed
- 8.5 Heat pollution
- 8.6 Noise pollution
- 8.7 Trees will prevent access to the shop
- 8.8 Ventilation
- 8.9 Condensation
- 8.10 Loss of Green roof
- 8.11 Air conditioning units more intense than original air handling pump previously approved under P071116.

### **Internal Consultees**

- 8.12 Conservation and Design Officer Raises no objections
- 8.13 Public Protection Division (Noise Team) Recommends approval subject to condition

### **Other Consultees**

## **9. RELEVANT 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.

### **Development Plan**

- 9.2 The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011 and Islington Unitary Development Plan 2002. The following policies of the Development Plan are considered relevant to this application:

### **Emerging Policy Documents**

- A. Islington's Development Management Policies – Proposed Submission, October 2011
- B. Finsbury Local Plan – Proposed Submission, October 2011
- C. Site Allocations Document – Proposed Submission, October 2011

### **Designations**

9.3 The site has the following designations under the London Plan 2011 and Islington Unitary Development Plan (2002):

- **Central Activities Zone** - **Not Listed**
- **Within 50m of the New River Conservation Area**
- **Within 50m of the Northampton Square Conservation Area**

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

9.4 The following SPG's and/or SPD's which are considered relevant are listed in Appendix 2.

9.5 Islington Urban Design Guidelines 2006

## **10. ASSESSMENT**

10.1 The main issues arising from this proposal relate to:

- Principle of Air conditioning units on the site
- Siting and Design
- Impact on Neighbouring Residential Amenity

### **Design, Conservation and Heritage Considerations (including Archaeology)**

10.2 The principal of air handling units in this location was established under approval of Details reference P071116 (C7 Landscaping) in relation to the approved scheme under reference P071116. This application earmarked the same area as shown on the submitted application for an Air Source Heat Pump. The units will not encroach on any of the existing green roof area.

10.3 The building itself is a new development. It is not listed and not in a conservation area. The site, though, is bounded by the New River Conservation Area and there are some two – three storey listed buildings nearby. The nearest are of a smaller scale being mainly 2-3 storey.

10.4 The plant and timber fence surrounding the plant location, as approved in accordance with the Landscape Management Plan under condition 7 of P071116 is at roof level and plans indicate that the units will not be visible from the street. It is therefore considered that the development would not be harmful to the setting of the listed buildings or the conservation area. However to confirm that the development would not be visible from Wynatt Street and Spencer Street a condition is suggested that a mock up of the unit is firstly placed on the roof

to confirm that the unit would be not be visible. Subject to a satisfactory response to this condition the proposal is considered to comply with requirements of 2.6.4 of the Urban Design Guidelines 2006

### **Landscaping and Trees**

10.5 No trees will be affected by the implementation of this proposal.

### **Neighbouring Amenity**

10.7 The proposed air conditioning unit will operate during the day and the refrigeration condenser will run overnight. The Noise Survey and Plant Impact Assessment submitted by the applicant suggests that the plant noise levels will be 22 dB(A), well within acceptable Environmental Health standards.

10.8 The positioning of the plant has been relocated and now tallies with the location of the approved Air Source Heat Pump permitted under Approval of Details permission pursuant to conditions 7 (landscaping) of planning permission reference P071116 issued February 2011 as shown in drawing number 2183-LA-02 revision C. This plans confirm that the proposal will not cover any of the existing approved green roof areas. It is, therefore, considered that the building's existing eco features will not be affected.

10.9 The ASHP was intended for the ventilation of the residential units, however in course of the implementation of the approved scheme under reference P071116 it was found that it was not necessary. The proposed air conditioning and condenser units are more intensive then a domestic air source heat pump (ASHP), but this is in itself is not sufficient to refuse the scheme as the application submitted is for full planning permission and is not a material amendment to the existing approved scheme and every application should be assessed on its own merits.

10.10 This relocation ensures that all plant equipment is located in the area approved for air handling equipment on the original building planning permission. Its position on the western wall is adjacent to an internal corridor rather than a bedroom or flat. The noise report submitted with the application states that the proposed plant will be 5dB below the background noise criterion when measured at the nearest residential window during the day, and substantially less then the background noise criterion at night. This was considered acceptable by the Environmental Health Officer who recommends that a condition to this effect should be attached to any permission. A technical report by consultants on behalf of neighbouring residents was submitted in response to this recommendation which refuted the applicant's claims. However the Environmental Health Officer considers that the data could be manipulated to argue both opposing views. The manufacturer's details tally with the agent's assessment and it is therefore considered, on balance, that the applicant's assessments are accurate.

10.11 If, after implementation it is found that the equipment locations and intensity do not match that approved, enforcement action could be taken by both the Development Management and Public Protection sections to remedy the breach of control. Objectors raise concern that the plant could spread Legionnaires' disease, caused by incorrect cooling tower maintenance which is to a much greater scale then the current proposal. The owner of the building would be required by both the Health and Safety at Work etc Act 1974 and the Control of Substances Hazardous to Health 1999 to adhere to the advice contained within the national Code entitled "Legionnaires' disease, the control of legionella bacteria in water

systems - Approved Code of Practice and Guidance". This Approved Code also gives guidance on compliance with relevant parts of the Management of Health and Safety at Work Regulations 1999. It is, therefore, not a material consideration in the determination of this planning application and is covered by other primary legislation. Nevertheless, the agent has submitted a document which outlines how the unit would not increase any such risk.

- 10.12 Finally, there has been no specific liaison with the Licensing Department as a licence is not required for the installation and operation of this type of plant. The Licensing Act 2003 covers only the sale of alcohol and the service delivery management arrangements of the store. The agent has submitted a separate application under planning reference P071116(C10) which seeks approval for the service delivery management arrangements. A consultation letter was sent out to neighbours dated 24th May 2012 which gave notice of this application to residents and allows them an opportunity to make any representations if they wish to do so.

### **Sustainability**

- 10.13 Whilst there may be a marginal increase in energy usage of the building as result of the use as a supermarket, it is considered that as the principle of the use has already been approved under P071116 would be difficult to justify refusal on these grounds as the cooling facility is an important pre-requisite for the store to run effectively. This is in line with the National Planning Policy Framework.

### **National Planning Policy Framework and Final Balancing Exercise**

In reaching this decision, regard has been made to the National Planning Policy Framework, which seeks to promote sustainable economic development. It is considered for the reasons outlined above that this requirement has been complied with.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The proposal is a prerequisite requirement for the effective running of this A1 use which will provide employment in the local area. Conditions are suggested to ensure that neighbouring amenity will not be significantly affected.

### **Conclusion**

- 11.2 It is recommended that planning permission be granted subject to conditions for the reasons and details as set out in Appendix 1 - RECOMMENDATIONS.

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

That if members are minded to approve this proposal (subject to conditions) officers recommend that the following summary forms the **reasons for grant** to be published on the decision notice:

This proposal has been approved following consideration of all the relevant policies in the Development Plan (London Plan 2011, Islington Core Strategy 2011 and Islington Unitary Development Plan 2002), the National Planning Policy Framework (2012) and other material considerations.

- This decision was made by the Members of the Planning Sub Committee on the 25<sup>th</sup> October 2012.
- The delivery of this scheme would be consistent with the broad aims of the NPPF and its presumption in favour of sustainable development that supports economic growth, but also seeks to ensure social and environmental progress;
- The proposed condenser unit would be operated in accordance with sound mitigation measures which are considered to protect neighbouring amenity. The proposal complies with policy 7.15 of the London Plan 2011; policy CS10 of the Islington Core Strategy 2011; policy Env17 of the Islington Unitary Development Plan 2002 and the National Planning Policy Framework 2012.

### RECOMMENDATION A

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

#### List of Conditions:

- 1 **CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.**

**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).**

- 2 **CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:**

**Design and Access Statement dated February 2012, 200, 201, 204, 207B, 218A, 219B, eec Background Noise Survey and Plant Impact Assessment dated January 2012.**

**REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.**



- 3 **CONDITION:** The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr 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 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997.

**REASON:** In order to protect residential amenity in accordance with Core Strategy (2011) Policy 10: Sustainable Design; 'saved' UDP (2002) Policy Env17: Protection of Amenity; Policy London Plan (2011) Policy 7.15 Reducing Noise and Enhancing Soundscapes; and the National Planning Policy Framework 2012.**CONDITION:** Prior to the hereby approved plant equipment being used, a timer shall be installed limiting the operation of the Mitsubishi PURY-P250YHM-A VRF condenser unit to between the hours of 07:00 to 23:00 Sunday to Thursday and 07:00 to 24:00 Friday and Saturday. The condenser unit shall not be operated outside of these hours. The timer shall be maintained as such thereafter.

**REASON:** In order to protect residential amenity in accordance with Core Strategy (2011) Policy 10: Sustainable Design; 'saved' UDP (2002) Policy Env17: Protection of Amenity; Policy London Plan (2011) Policy 7.15 Reducing Noise and Enhancing Soundscapes; and the National Planning Policy Framework 2012.

- 4 **CONDITION:** A mock-up of the air condition units shall be submitted to and approved by the Local Planning Authority prior to the relevant part of the works commencing on site:

The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.

**REASON:** In order to safeguard the special architectural or historic interest of neighbouring heritage assets in accordance with policies 7 and 12 of the National Planning Policy Framework 2012 and policy CS9 of the Islington Core Strategy 2011.

## **APPENDIX 2: RELEVANT POLICIES**

This appendices list all relevant development plan polices 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 2011, Islington Core Strategy 2011 and Islington Unitary Development Plan 2002. The following policies of the Development Plan are considered relevant to this application:

### A) The London Plan 2011 - Spatial Development Strategy for Greater London

**Policy 2.10 Central Activities Zone – strategic priorities**

**Policy 2.11 Central Activities Zone – strategic functions**

**Policy 2.12 Central Activities Zone – predominantly local activities**

**Policy 2.13 Opportunity areas and intensification areas**

**5 London's response to climate change**

**Policy 5.1 Climate change mitigation**

**Policy 5.2 Minimising carbon dioxide emissions**

**Policy 5.3 Sustainable design and construction**

**7 London's living places and spaces neighbourhoods and communities**

**Policy 7.4 Local character**

**Policy 7.6 Architecture**

**Policy 7.15 reducing noise and enhancing townscapes**

### B) Islington Core Strategy 2011

#### Spatial Strategy

**Policy CS7 (Bunhill and Clerkenwell)**

**Policy CS13 (Employment Spaces)**

**Policy CS14 (Retail and Services)**

#### Strategic Policies

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

### C) Islington Unitary Development Plan (2002)

#### **Environment Policies:**

**Env 17 (Protection of Amenity)**

#### **Implementation Policies:**

**Imp5 (Mixed Use)**

**Imp6 (Efficient Use)**

**Imp13 (Community Benefits)**

**Imp14 (Central London)**

**Imp15 (Clerkenwell/Smithfield)**

#### **Shopping & Town Centres Polices:**

**S27 (New Retail Developments**

**Serving Local Needs)**

**S29 (Access to Shops)**

#### **Conservation and Design Policies:**

**D3 (Site Planning)**

**D4 (Designing in Context)**

**D5 (Townscape)**

**Clerkenwell/Smithfield Special Policy**

**Area Policies:**

**CS5 (New Development)**

**CS10 (Materials)**

**D11 (Alterations and Extensions)**  
**D17 (Local Views)**

**3. Emerging Policy Documents**

**A) Islington's Development Management Policies – Proposed Submission, June 2012**

**Design and Heritage**  
**DM1 Design**

**DM43 Sustainable design standards**

**5 Designations**

The site has the following designations under the London Plan 2011 and Islington Unitary Development Plan (2002):

- **Central Activities Zone**
- **Within 50m of the New River Conservation Area**
- **Within 50m of the Northampton Square Conservation Area**
- **Building not listed**
- **Building not in conservation area**

**7. Supplementary Planning Guidance (SPG) / Document (SPD)**

The following SPG's and/or SPD's are relevant:

**Islington UDP**

- **Planning Standards Guidelines**
- **Urban Design Guide**