



**PLANNING SUB-A COMMITTEE**  
**Date: 5 November 2013**

**AGENDA ITEM NO:**  
**NON-EXEMPT**

Application number	P122126
Application type	All other developments minor
Ward	Hillmarton/Holloway
Listed building	Not Listed
Conservation area	Hillmarton Conservation Area
Licensing Implications	None
Site Address:	Garages to the rear of 4-28 Cardozo Road, Islington.
Proposal	Demolition of 16 brick garages on site.

Case Officer	Paul Conboy
Applicant	Dudrich (Holdings) Ltd
Agent	Hertford Planning Service

## **Addendum Report**

### **Summary**

1.1 This report follows the deferral of the item at Planning Sub A Committee on the 25 July 2013. Following detailed discussions members decided to defer the application for the following reasons:

- To enable more information on noise, the impact on the character and appearance of the area to be provided, to allow a site visit to be carried out by members, to address energy use and request that the environmental health officer attended the meeting.

#### **Assessment:**

1.2 The proposed development site is occupied by a series of rows of single storey brick garages. These garages are low scale and due to their low scale and vegetated covering are considered to offer a fairly neutral contribution to the surrounding conservation area in this case. The low scale and height of the existing garages allow

the open and spacious green character of the application site to be enjoyed by adjoining residents in this case.

- 1.3 It is considered that the demolition of 16 garages and the erection of 9 similar sized single storey container units and associated chilling units will not adversely affect the open and spacious setting of the site. The proposed planting area surrounding the proposed data containers has been enlarged from its previous proposed depth of 2 metres to 3 to 4 metres in this case. This greater planted area will further allow for the planting and growth of trees and vegetation adjacent to the site which will add to the green character of the area while further ensuring that the single storey data containers do not become visually dominant or obtrusive within their setting in this case.
- 1.4 A previous planning Inspector raised concerns regarding the potential noise pollution the use may cause and the potential for this to harm the quiet character adjoining the site. As detailed further within the committee report, further details and assessments have been submitted by the applicants in relation to this point. The council's noise officer considers that subject to the attached conditions that the noise levels coming from the proposed use of the site would be within acceptable limits and would not cause any material harm to the quiet character of the area while conforming with noise limits for what is a residential area in this case.
- 1.5 **Energy use:** The proposed 6 containers would gain their energy requirements from two separate power containers a back up generator and chiller units. The generators would operate on diesel fuel. It is considered that the energy needs of the proposed data storage would be low as they operate normally. The fire brigade have not objected to the proposed development in this location.

### **Recommendation**

The previous Planning Inspectorates decision notice is a material consideration in this case. Given there has been no significant changes to policy since these decisions, the attached appeal decision has been afforded significant weight in assessing and concluded upon the merits of this proposed development. The Committee is asked to resolve to **GRANT** conservation area consents subject to the conditions set out in Appendix 1.



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## PLANNING SUB-A COMMITTEE

Date: 25 July 2013

AGENDA ITEM NO:

NON-EXEMPT

Application number	P122126
Application type	All other developments minor
Ward	Hillmarton/Holloway
Listed building	Not Listed
Conservation area	Hillmarton Conservation Area
Licensing Implications	None
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## 2. RECOMMENDATION

1.1 The Committee is asked to resolve to **GRANT** conservation area consent:

- Subject to the conditions set out in Appendix 1.

### 3. SITE PLAN (SITE OUTLINED IN BLACK)



### 4. PHOTOS OF SITE



Aerial view of the application site.



**View of proposed garages to be demolished.**





**View of the main vehicular access to the site from Cardozo Road.**

## **5. SUMMARY**

- 5.1 The proposal seeks conservation area consent to demolish 16 existing brick garages within the site.
- 5.2 Provided an acceptable replacement scheme is approved and constructed in its place the demolition of the garages are considered acceptable and would preserve the character and appearance of the surrounding Hillmarton Conservation area. The broader planning merits of the replacement scheme are covered under the planning application ref P122125 which is included within this committee's agenda.

## **6. SITE AND SURROUNDING**

- 5.1 The application site involves 16 lock-up garages set within a larger triangular courtyard of some 44 garages, located behind terraced housing in the Hillmarton area of Islington, London. The site is accessed via a narrow driveway leading from Cardozo Road to the north of the courtyard. The access runs between the side and rear gardens of No's 24 - 28 Cardozo Road (evens) and the rear gardens of No's 507 – 519 (odds) Caledonian Road. The site is located within the Hillmarton Conservation Area. The 16 garages, in two opposite rows of 8, is in the western apex of the triangular shaped courtyard and forms a square shaped application site. To the north-west of this site lie the rear gardens of No's 2-10 (evens) Cardozo Road and to the south-west the longer rear gardens of No's 41-45 Hillmarton Road.

## 7. PROPOSAL (IN DETAIL)

- 7.1 It is proposed to demolish these 16 garages and replace them with a row of six steel storage containers, set in from the north-western boundary in place of garages 10-17, one separate steel container close to garage 25 on the south-eastern side to house a generator, a pair of steel containers behind garages 34 – 37 also on the south-eastern side and three external chiller units in the southernmost part of the site. All of the containers and chillers would be set inform the boundary of the site with the neighbouring gardens.
- 7.2 The application site would be enclosed by a new 2m high steel mesh security fence erected around the containers and chiller site and mature trees planted in the space between the fence and the rear boundaries of neighbouring dwellings. A security gate would be provided at the entrance into the compound through the fence, between garages 9 and 26.
- 7.3 Each container would be 6m deep and resemble the size and scale of one garage. They would be standard ISO steel containers, prefabricated and preassembled in a factory (off-site) and placed onsite via the existing access. The row of 6 containers would be used to house information technology data equipment within a secure environment, which would be managed remotely and require no on-site presence once installed. They are supported by the 2 power containers, a back-up generator and chiller units. All units are insulated both for thermal and acoustic reasons and require only occasional maintenance. The generator unit would only operate as an emergency in the event of a power failure.

## 8. RELEVANT PLANNING HISTORY:

- 8.1 **P111056 Full & P111057 (CAC):** Non determination appeal made to the inspectorate for the:

Demolition of 14 brick garages and their replacement with a secure compound housing steel storage containers variously holding communications/data storage equipment, a generator & equipment for providing a stabilised power supply, along with 3 banks of free-standing, unenclosed chiller units. Erection of a 2 metre high steel mesh security fence slightly set back from the perimeter of the compound, with screening planting of mature trees between the fence and the boundaries of the site.

**This appeal decision is considered to be an important planning consideration in this resubmitted case. Many of the key relevant planning considerations in this case have been previously considered by the Inspectorate and therefore it officers view that these conclusion should be given significant weight in the determination of this current proposal.**

### **Full planning application reason for refusal:**

- **REASON:** The operation of the proposed chiller units and stabilised power generating equipment, together with the requirement to access the site for emergency repair and servicing of the data storage units, chiller units or power generators at unpredictable and unsocial times, has the clear potential to cause detriment to the amenity of residents of properties backing onto the site by virtue of noise, light-spill and disturbance. The proposal would therefore conflict with the objectives of Policy D3 and Env17 of the Islington Unitary Development Plan

2002, which resist developments likely to cause noise, disturbance or other nuisance for neighbouring occupiers.

- REASON: The proposed installation would severely restrict the possibility of satisfactory long-term comprehensive re-use of the backland site as a whole for purposes which would enhance the character of the Hillmarton Conservation Area. The installation would, in its own right, also be out of keeping with the conservation area, & hence detrimental to the character & appearance of the area. The proposal would therefore conflict with the obligation to avoid harm to the character or appearance of conservation areas, which is imposed on local planning authorities as detailed within the National Planning Policy Framework 2012.

**Conservation area consent reason for refusal:**

- REASON: The demolition of existing garages is premature in the absence of any agreed long-term alternative use, either for the application site in particular or for the entire backland site of which it forms a part. Their clearance to create an open area of hardstanding would represent a net detriment to the appearance of the conservation area. The proposal would therefore conflict with the obligation to avoid harm to the character or appearance of conservation areas, which is imposed on local planning authorities as detailed within the National Planning Policy Framework 2012.

## **9. CONSULTATION**

### **Public Consultation**

9.1 135 letters were sent to occupants of adjoining and nearby properties. A site notice and press advert was also displayed. After the initial round of consultation 45 letters of objection had been received from the public with regard to the application. Following an error in the advertised description which should have stated the demolition of 16 garages and not 14 as previously advertised a second round of consultation was carried out ending on the 20<sup>th</sup> of June 2013. A further 11 letters of objection were received from this consultation period. The grounds of objection raised are as follows (for the purposes of the assessment of the conservation area consent application this report can only consider concerns raised by objectors in terms of the loss of the existing garages on site and the potential adverse impacts their demolition may have on the character and appearance of the surrounding conservation area. Other valid planning points will be considered fully in the related planning application ref P122125 which is attached to this committee agenda for the 25<sup>th</sup> of July 2013.

- Affects the proposal will have on the character and appearance of the surrounding conservation area. (See paragraphs 11.2 -11.4)



### **Internal Consultees**

- 9.2 **Conservation and Design:** Considering the existing use of the area as garages and the recent planning appeal decision it is considered the development will preserve the character and appearance of the surrounding conservation area.
- 9.3 **Council's Noise officer:** The officer has assessed the updated noise report submitted as part of this application. The officer is satisfied that the proposed development is acceptable in safeguarding the amenity levels of adjoining residents in terms of noise levels with the attached suggested conditions.
- 9.4 **Highways and Transport officer:** Note the existing narrow access road will control and limit the extent and use of the site and negate issues re disturbances from vehicular movements within the site.

### **External Consultees**

- 9.5 **The Fire Brigade:** Raise no overall comments in relation to the application.
- 9.6 **Met Police:** Officer raised no objections to the development.

## **10. RELEVANT POLICIES**

- 10.1 **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**

- 10.2 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**

- 10.3 The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011 and Islington's Development Management Policies. The policies of the Development Plan are considered relevant to this application are listed at Appendix 2 to this report.

### **Designations**

- 10.4 The site has the designations under the London Plan 2011, Core Strategy 2011 & Development Management Policies 2013:
- Hillmarton Conservation area

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

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

## 11. ASSESSMENT

11.1 The main issues arising from this proposal relate to:

- Design and conservation, and the loss of the existing buildings onsite.

### **Design, Conservation and Heritage Considerations**

11.2 The proposed development site is occupied by a series of rows of single storey brick garages. These garages are low scale and offer a fairly neutral contribution to the surrounding conservation area in this case. The recent Inspector noted the following in regards to the existing character and appearance of the site and the visual impacts of the previously proposed development here which is materially similar in this application:

*"It is common ground that the existing garages are utilitarian buildings which do not contribute positively to the appearance of the conservation area. The proposed storage containers and ancillary equipment would have little architectural quality and would similarly have a neutral visual impact. Overall environmental quality and the outlook from surrounding housing would be improved by tree planting between the rear boundary wall to properties on Cardozo Road and Hillmarton Road and a proposed 2.0m high security fence. I consider the 2.0m wide planting strip too restrictive to allow trees to grow and to be maintained but an increase in width could be achieved by condition. Subject to this there would be no additional visual harm.*

*"In relation to conservation area character there is no reason in principle to resist the introduction of a business use on the appeal site so long as it would respect the relatively undisturbed and peaceful setting. However, in the present case, in the light of the uncertainty associated with the impact of operational noise, and adopting a precautionary approach, I am led to the conclusion that, whilst the proposal would preserve the appearance of the Hillmarton Conservation Area, it would be likely to harm its quiet residential character as a result of noise associated with the operation of the cooling plant"*

11.3 Bearing in mind the council's own previous assessments of the site and the Inspectors material findings concerning the existing site and the proposed development, it is not considered that the council could justify refusal of the conservation area consent on this basis. The loss of the existing garages onsite is considered to be acceptable in visual and conservation terms.

11.4 The proposal is considered to be in accordance with policies 7.4, 7.6 and 7.8 of the London Plan 2011, CS9 of the Core Strategy 2011, and Development Management policies (2013) DM 2.1, 2.2 & 2.3 and the Hillmarton Conservation Area Guidelines subject the approval of a well designed replacement development.

## 12. **Summary**

12.1 The proposed demolition of the 16 garages onsite and the erection of 9 steel containers, three chillers and associated fencing and screening data containers are considered to be a visually acceptable and compatible land use in this location.

### **13. Conclusion**

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

# APPENDIX 1 – RECOMMENDATIONS

## RECOMMENDATION A

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

### List of Conditions:

#### 1 Commencement

CONDITION: The works hereby permitted shall be begun not later than three years from the date of this consent.

REASON: To comply with the provisions of Section 18(1) (a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).

#### 2 Demolition

CONDITION: No demolition shall take place unless and until a contract for the associated re-development of the site in accordance with planning permission P122125 has been secured and evidence of such contract(s) has been submitted to and approved in writing by the Local Planning Authority.

REASON: To prevent premature demolition in a Conservation Area in accordance with policy 12 of the National Planning Policy Framework 2012, policy CS9 of the Core Strategy 2011 and policy D21 of the Islington Unitary Development Plan 2002.

### 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. 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 in accordance with the NPPF.</p>

## **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**

##### **7 London's living places and spaces**

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 3.16 Protection and enhancement of social infrastructure

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.13 Parking

#### **B) Islington Core Strategy 2011**

**Policy CS8** (Enhancing Islington's Character)

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

**Policy CS 13** (Employment Spaces)

### **3. Adopted Development Management Framework Policy Documents**

Development Management Policies

Policy DM 2.1, 2.2 (Design)

Policy DM 2.3 (Heritage)

All emerging policies and allocations have full weight as fully adopted planning policy as of June 2013.

### **4. Designations**

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

Hillmarton Conservation Area

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

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

Islington's Urban Design Guidance 2006