



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

PLANNING SUB-A COMMITTEE
Date: 5 November 2013

AGENDA ITEM NO:
NON-EXEMPT

Application number	P122125
Application type	All other developments minor
Ward	Hillmarton
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 and their replacement with a secure storage compound housing steel storage containers variously holding communications/data storage equipment, a generator and equipment for providing a stabilised power supply, along with three banks of free-standing chiller units with acoustic enclosures including the 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 boundary of the 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** planning permission with conditions as set out within the attached committee report Appendix 1:



Development Management Service
 Planning and Development Division
 Environment and Regeneration
 Department
 PO Box 3333
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PLANNING SUB-A COMMITTEE

Date: 25th July 2013

AGENDA ITEM NO:

NON-EXEMPT

Application number	P122125
Application type	All other developments minor
Ward	Hillmarton
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 and their replacement with a secure storage compound housing steel storage containers variously holding communications/data storage equipment, a generator and equipment for providing a stabilised power supply, along with three banks of free-standing chiller units with acoustic enclosures including the 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 boundary of the site.

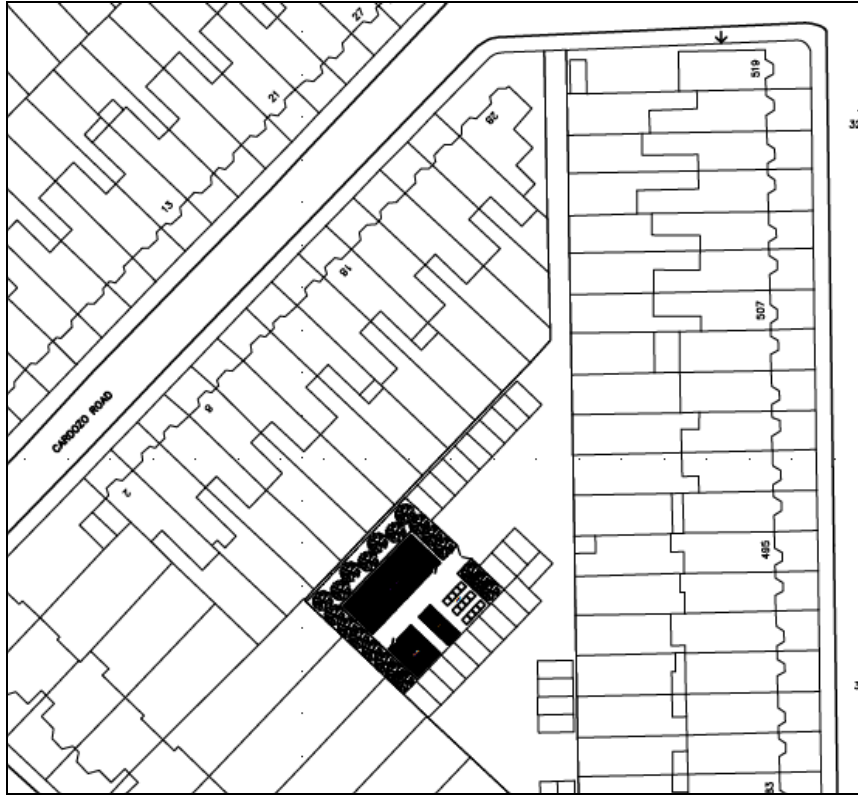
Case Officer	Paul Conboy
Applicant	Dudrich (Holdings) Ltd
Agent	Hertford Planning Service

2. RECOMMENDATION

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

- 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 It is proposed to demolish these 16 garages and replace them with a row of six steel storage containers. All of the containers and chillers would be set in from the boundary of the site with the neighbouring gardens. 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.
- 5.2 The main issues arising from this proposal relate to land-use issues, character and appearance of the area, noise and light pollution implications, highways and access issues and potential impacts of the development on the amenity levels of adjoining occupiers in terms of light pollution and general disturbances from the proposed use, fire hazards, bio-diversity concerns and security concerns. .
- 5.3 The proposed development is considered to be an acceptable and compatible land use in this location. The submitted details within this application in relation to the potential noise impacts of the development and mitigation measures are considered to have addressed the previous Inspectors concerns in relation to this site. Suitable noise conditions are attached to further achieve this element of the development safeguards adjoining resident's amenity levels in this case.

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 in from 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. It is envisaged the site would only need to be accessed 2 to 4 times a year for maintenance purposes. 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. **(Appeal decision attached to the end of this committee report).**

The attached 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.

8.2 No enforcement history relating to this site.

7.3 The application was not subject to a pre application in this case.

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 20th of June 2013. A further 11 letters of objection were received from this consultation period. The grounds of objection raised are as follows (with the paragraph that provides response to each issue indicated in brackets):

- Affect the proposal will have on the character and appearance of the surrounding conservation area. (See paragraph's 11.5 - 11.7)
- Concerns regarding noise & light pollution coming from the proposed development. (See paragraph's 11.8- 10.11)
- Health and safety & Fire hazards relating to the proposed use of the site. (See paragraph's 11.11– 11.13)
- Site security concerns (See paragraph's 11.12- 11.13)
- Highways access into the site. (See paragraph's 11.11)
- Concerns over loss of bio-diversity on the site. (See paragraph's 11.14)
- Proposed planting affects on adjoining residents amenity levels. (See paragraph's 11.9)

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:

- Land-use and the principle of the development.
- Proposed alterations and impacts of the development on the character and appearance of the host building and wider urban setting.
- Neighbouring amenity impacts in terms of noise, light pollution and general disturbances.
- Health and safety, security and fire hazards around the site.
- Highways and access pressures surrounding the site.
- Bio-diversity within the site.

11.2 **Land-use and the principle of the development:** The existing site is occupied by lock up garages accessed from a narrow access road along Cardozo Road. The 38 existing garages onsite are in a variety of uses ranging from parking to storage. The proposed development seeks to create off site data storage in a section of the site. It is envisaged that the data storage containers would be accessed off site and need very little onsite maintenance. It is considered that the proposed use would not give rise to any material disturbances to adjoining occupiers and the open feel and tranquil feel to the site would remain. There is no objection to the loss of 16 garages in terms of parking spaces in this case.

11.3 A previous Planning Inspector's decision supported many attributes of the development while maintaining one key overall concern regarding noise from the development. This will be considered further down within this report at paragraphs. Previous Inspectors comments are pertinent to this case.

"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"

11.4 The proposed land use is considered to be acceptable. The proposed development is considered to accord with DM Policies DM 2.1, 2.2 & 2.3 & CS policy 9.

11.5 **Proposed alterations and impacts of the development on the character and appearance of the host building and wider urban setting:** 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"

11.6 Therefore it is clear from the council's previous assessment of the site and the Inspectors findings that the proposed development would not cause any material harm to the character and appearance of the surrounding conservation area. The proposed

planting and screening is considered to adequately address the visual impacts of the development when viewed from surrounding residential properties. Bearing in mind previous material Planning Inspectorates findings and the existing character on site, it is not considered that the council could justify refusal of planning permission in terms of any potential visual harm in this case.

11.7 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, Development Management policies (2013) DM 2.1, 2.2 & 2.3 and the Hillmarton Conservation Area Guidelines.

11.8 **Potential noise and light pollution impacts of the development on adjoining residents:** Concerns have been raised from local residents regarding potential noise pollution coming from the data containers, chiller units and backup generator as part of the development. Residents also raise concerns regarding light pollution to their properties. It is important to note the tranquil and secluded nature of the site which is surrounded by residential properties. Once again the Inspectors previous findings are material considerations in the assessment of this proposed development. The Inspector dismissed the last application as he was not convinced based on the submitted information by the applicants that the development could function without adversely affecting the amenity levels of adjoining occupiers in terms of noise pollution. As part of this resubmitted application the applicants have provided more detailed information regarding noise levels and sources arising from the development. This report has been assessed by the Councils noise officer who considers that the details are accurate and that subject to noise controls and conditions that the development would not cause any material noise disturbance to adjoining residents as previously raised by the Inspectorate.

The Inspector also makes important comments regarding the potential for general disturbance and light pollution to adjoining occupiers as the use would function.

“The containers would house electronic data storage equipment managed from a remote site. They would require only infrequent visits from maintenance personnel so that once the site was established there would be little disturbance from people or vehicles. Security lighting would be required. However it is proposed that this would only be triggered by activity within the garage court/storage area and the light sources would be directed away from houses. This could be secured by condition. On the evidence before me I conclude that there would be no appreciable harm arising from disturbance and light pollution but that there would be the potential for a significant adverse effect on the living conditions of occupiers of nearby residents in relation to noise.”

11.9 Concerns from residents regarding shading to their gardens from any new proposed planting associated with the development have been considered fully. However there are separate tree controls in conservation areas to ensure that trees and vegetation are appropriately managed in this case. A separate planting condition will secure the correct location and species of mature planting to be created in this section of the site.

11.10 It is therefore considered that subject to the attached conditions regarding noise and lighting for the development that the proposed development and use would not have a material adverse impact on adjoining resident's amenity levels in terms of noise pollution and light spillage.

- 11.11 **Access to the site, Health and safety & Fire hazards relating to the proposed use of the site:** The site is accessed from a narrow access road from Cardozo Road. The existing road width and scale itself limits the amount and type of vehicles that can access the site. The road effectively only allows cars and small vans to access the site which would remain unchanged of the development were to go ahead. The proposed use would require very little onsite access and would only require occasional maintenance (2 to 4 times a year) and the initial installation which would have to be done by small vans as the road does not allow larger vehicles to be used. It is therefore considered that the existing road itself controls the extent and type of vehicles that could feasibly use the site. The use of the site for data storage and the scale of the development are not considered to give rise to the need for frequent access by operatives to the site and it is considered that the development would not give rise to any adverse amenity impacts in this case in terms of traffic and people movements related to the use.
- 11.12 In terms of security the development would be enclosed by 2 metre high fencing with a security gate into the site. The planting areas adjoining the proposed units have also been increased by 1 to 2 metres which is considered to improve the security of this section of the site considerably. It is not considered that the proposed use would give rise to any material increases in security issues over what currently exists on site which is also heavily overlooked in terms of natural surveillance from adjoining properties.
- 11.13 The Fire brigade have not objected to the development as it stands. Any additional access to fire hydrants or facilities will need to be addressed by the applicants with the relevant authorities in this case.
- 11.14 **Bio-diversity:** The site is occupied by single storey garages with some good tree coverage along the boundaries of the site. The proposed development gives no permission to remove any adjoining trees in or abutting the site. The garages have some moss coverage and birds and other associated wildlife can be seen within the site. It is considered that the erection of the single storey data containers, chillers and back up generators will not have any material adverse impact on the existing bio-diversity within the site. The proposed development includes plans to plant trees along both boundaries of the site with the rear properties of Cardozo Road and Hillmarton Road. These planted areas will significantly improve the visual amenity of this section of the area and will increase the biodiversity of the area as a whole. The planting area has been increased in depth from the dismissed appeal scheme which was 2 metres deep to the current scheme which measures a depth of 3 to 4 metres. The proposed development is considered to accord with CS policy 9 & DM policies 2.1 & 2.3.

11. Summary

- 11.1 Considering the Council's adopted planning policies and the recent Planning Inspectorates Appeal decision, the proposed development is considered to be a visually acceptable and compatible land use in this location. Subject to conditions regarding noise controls, lighting details, planting details and final choice of development specifications, it is considered that the use can be managed and function into the future without adversely affecting the amenity levels of adjoining occupiers.
- 11.2 **Conclusion:** 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	<p>Development to commence within 3 years from date of permission</p> <p>CONDITION: 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>
2	<p>Approved plans list</p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Design and access statement by Hertford Planning Service dated September 2012, Acoustics Plus Environmental Noise Assessment dated 8th of August 2012, drawing numbers: 10870-P001 & 10870-S001.</p> <p>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.</p>
3	<p>Access and maintenance noise controls</p> <p>CONDITION: All scheduled access and maintenance to the site shall only be between the following hours:</p> <p>Monday to Saturday - 08:00 - 20:00</p> <p>Not at all on Sundays/Bank Holidays.</p> <p>REASON: To safeguard the amenities of the adjoining premises and area generally in accordance with DM policy 2.1.</p>
4	<p>Noise control from any plant /machinery</p> <p>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 at least 10dB(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.</p> <p>REASON: To safeguard the amenities of the adjoining premises and area generally in accordance with DM policy 2.1.</p>

5	Sound insulation details and enclosure specification
	<p>CONDITION: Full particulars and details of the proposed items of plant and the acoustic enclosure & diesel standby equipment for the site shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site. This shall include manufacturer and model details, layout and acoustic data and demonstrate that they at least meet the predicted noise performance of the Acoustics Plus report dated 8th August 2012. The plant items shall be installed strictly in accordance with the details so approved and shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To safeguard the amenities of the adjoining premises and area generally in accordance with DM policy 2.1.</p>
6	Lighting details
	<p>CONDITION: Notwithstanding the submitted plans and application wording, details of a scheme of lighting and light control to prevent the spillage of light from adversely affecting surrounding residential properties, including details of the lights and any associated infrastructure; a plan showing the layout of the lights, their positions and the orientation of any beams of light; lighting levels and colour, maximum lumen levels, lamp type, maximum wattage.</p> <p>REASON: To safeguard the amenities of the adjoining premises and area generally in accordance with DM policies 2.1, 2.2 & 2.3.</p>
7	Planting details
	<p>CONDITION: No development shall take place until full details of soft landscape works including mature tree planting plans and boundary details have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved.</p> <p>These details shall include trees to be retained and planted and details and locations of all proposed security mesh fences. Details of the soft landscape works shall include species of trees and shrubs, their sizes and positions, and the timetable for their planting. If, within a period of 5 years from the date of planting, any tree or plant is removed, uprooted, destroyed or dies, another of the same species and size shall be planted at the same place, unless the local planning authority gives its written consent to any variation.</p> <p>The soft landscaping, planting and boundary details shall be installed strictly in accordance with the details so approved and shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to preserve the character and appearance of the Hillmarton Conservation Area generally in accordance with DM policies 2.1, 2.2 & 2.3.</p>

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)

3. Adopted Local Development Framework Policy Documents

Development Management Policies

Policy DM 2.1 & 2.2 (Design)

Policy DM 2.3 (Heritage)

Policy DM 8.2 & 8.6 (Transport)

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 Development Management Plan (2013):

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



Appeal Decisions

Site visit made on 11 June 2012

by **Bern Hellier BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 July 2012

Appeal A Ref: APP/V5570/A/12/2171135

Rear of 4-28 Cardozo Road, London, N7 9RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Dudrich (Holdings) Ltd against the Council of the London Borough of Islington.
 - The application Ref P111056, is dated 13 May 2011.
 - The development proposed is demolition of 14 brick garages and their replacement with a secure storage compound housing steel storage containers variously holding communications/data storage equipment, a generator and equipment for providing a stabilised power supply, along with three 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 boundary of the site.
-

Appeal B Ref: APP/V5570/E/12/2171141

Rear of 4-28 Cardozo Road, London, N7 9RL

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for conservation area consent.
 - The appeal is made by Dudrich (Holdings) Ltd against the Council of the London Borough of Islington.
 - The application Ref P111057 is dated 13 May 2011.
 - The development proposed is demolition of 14 brick garages.
-

Decision

1. Appeal A is dismissed and planning permission for demolition of 14 brick garages and their replacement with a secure storage compound housing steel storage containers variously holding communications/data storage equipment, a generator and equipment for providing a stabilised power supply, along with three 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 boundary of the site is refused.
2. Appeal B is dismissed and conservation area consent for demolition of 14 brick garages is refused.

Main issues

3. The site is within the Hillmarton Conservation Area. The proposal would replace some of the garages within a lock-up garage site with storage

containers and associated equipment. Appeal A relates to an application for planning permission for this new development. Appeal B relates to an application for conservation area consent for the demolition of the garages.

4. The Council failed to determine the applications within the statutory time period. However subsequently it has indicated that it would have refused them. Having regard to the views of the Council and representations from local residents I consider there are three main issues.
 - The effect of the proposal on the living conditions of nearby residents in relation to noise, disturbance and light pollution.
 - Whether the proposal would preserve or enhance the character or appearance of the Hillmarton Conservation Area.
 - The effect on the future development potential of the garage site as a whole.

Reasons

Living conditions

5. The cooling plant for the storage units would generate noise constantly. The terraced properties in Cardozo Road are about 10m away with back gardens adjacent to the site. It is indicated that noise levels from the plant would be about 51dB(A) at 10m and 45dB(A) at 20m. However the effect of this noise on local residents would depend on current background noise levels. These would appear to be low. Whilst the Council suggests a condition that might be imposed to ensure acceptable noise levels, this would be of limited practical use if the necessary limits could not reasonably be achieved. In the absence of a noise assessment I find that there is the real possibility that residents would be subject to unacceptable disturbance from noise.
6. The containers would house electronic data storage equipment managed from a remote site. They would require only infrequent visits from maintenance personnel so that once the site was established there would be little disturbance from people or vehicles. Security lighting would be required. However it is proposed that this would only be triggered by activity within the garage court/storage area and the light sources would be directed away from houses. This could be secured by condition.
7. On the evidence before me I conclude that there would be no appreciable harm arising from disturbance and light pollution but that there would be the potential for a significant adverse effect on the living conditions of occupiers of nearby residents in relation to noise. This would be contrary to Policy D3 of the Islington Unitary Development Plan (UDP) which seeks to minimise disturbance and avoid environmental nuisance.

Conservation area

8. The conservation area in the vicinity of the appeal site consists principally of substantial three storey residential terraces. The garage site is triangular, being bounded by the back gardens of Cardozo Road, Hillmarton Road and Caledonian Road. It is common ground that the existing garages are utilitarian buildings which do not contribute positively to the appearance of the conservation area.
9. 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.

10. 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.

Development potential

11. The garage court contains about 45 garages. They are underused and the land would provide a potential redevelopment opportunity. However the potential is constrained by the condition of the single means of access which is a narrow, private lane, some 30m long and only 2.4m wide. The Council has not suggested what form of redevelopment might be appropriate. Having regard to this constraint, and in the absence of any real prospect of an overall redevelopment scheme which might enhance the conservation area, I find that the proposal would not prejudice the future development potential of the garage site as a whole.

Conclusion

12. On the basis of the information before me I conclude that noise associated with the operation of the development has the potential to cause unacceptable harm to the living conditions of local residents and undermine the quiet character of the conservation area and that this is not a matter that could be overcome by condition. Thus the proposal would be contrary to UDP Policy D3 and its failure to provide a good standard of amenity for neighbouring residents would conflict with the core planning principles set out in the National Planning Policy Framework¹.
13. For the reasons given above I conclude that Appeal A should be dismissed. Since I have determined that the present proposal is unsatisfactory the demolition of the garages would leave a derelict cleared site which would be visually intrusive within the conservation area setting. Appeal B should also therefore be dismissed.

Bern Hellier

INSPECTOR

¹ *National Planning Policy Framework*. DCLG March 2012. Paragraph 17