

Planning Sub Committee A - 18 June 2019

Minutes of the meeting of the Planning Sub Committee A held at Committee Room 1, Town Hall, Upper Street, N1 2UD - Islington Town Hall on 18 June 2019 at 7.30 pm.

Present: **Councillors:** Picknell (Chair), Convery, Clarke, Graham and Mackmurdie

Councillor Angela Picknell in the Chair

63 INTRODUCTIONS (Item A1)

Councillor Picknell welcomed everyone to the meeting. Members of the Committee and officers introduced themselves.

64 APOLOGIES FOR ABSENCE (Item A2)

There were no apologies for absence.

65 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

There were no declarations of substitute members.

66 DECLARATIONS OF INTEREST (Item A4)

Councillors Mackmurdie declared a personal interest in item B1-1 Berry Place and Councillor Convery declared a personal interest in B2-10 Kiver Road.

Both Councillors Mackmurdie and Convery were not involved in the deliberation and decision making of the applications which they had declared their personal interests having left the meeting room.

67 ORDER OF BUSINESS (Item A5)

The order of business would be B3,B1,B4 and B2.

68 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 9 April 2019 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

69 1 BERRY PLACE, EC1V 0JD (Item B1)

Installation of plant equipment (9 no. units) above existing flat roof at second floor level (first floor roof) including associated screening enclosures and other works.
(Planning application number: P2018/4155/FUL)

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In the discussion the following points were made:

- Planning Officer informed the meeting that the description under image 3 on page 9 which reads the following wording - 'which has now been removed following enforcement investigation' be deleted as it is incorrect.
- Members were reminded that the application was due to an enforcement action following the unauthorised installation of air conditioning equipment to the main roof, however this has now been removed. The Planning Officer advised that the plant equipment at second floor remains in situ, as the applicant had submitted an appeal.
- Members were advised that the position of the proposed air conditioning units above the flat roof of the two storey building is acceptable as the units are set in from the south and east elevations which ensures that any views from the public realm is largely obscured with the only views possible from the public realm to the west.
- An objector was concerned about one air conditioning unit operating 24 hours a day, 7 days a week and regarded the mitigation proposal as insufficient to address the noise levels especially as it had not been tested. The objector queried the hours of operation of the other 8 air conditioning units as proposed by the applicant, requesting that the times to reflect what was stipulated in the previous application of 8.00am to 8.00pm instead of the 6.30am to 8.00pm be restored.
- Members proposed to revise condition 8 to allow the use of a timer to control the operation of the 7 air source heat pumps and 1 air conditioning unit between the hours of 08.am and 20.00pm Monday to Fridays only.
- Objector was concerned with the inaccurate noise report submitted by the applicant and the measurement of background sounds as not a fair reflection of the current situation and the construction work in the surrounding area. There was also concern about the air conditioning units be in operation over the weekend when the office is closed.
- In response to noise concerns and its impact on the amenity of neighbouring residents, the agent informed members that only 1 out of the 9 air conditioning units would be in operation for 24hours and although placed in an acoustic enclosure, the units will be emitting 5 decibels lesser than the required noise levels.
- On the issue for the need of air conditioning units being used for 24 hours, the agent advised that the parent company is based in Australia hence the need to have skeletal staff to manage the London office and its servers.
- Members enquired about the proposed operating hours for of the units and in particular on the weekend.
- Councillor Clarke proposed a motion that the operating hours be amended to read from 8.00am to 8.00pm, Monday to Friday. Councillor Graham seconded the motion and it was carried.
- With regards to the post installation noise report, the agent reassured members that if the tests confirm that the air conditioning unit is not in compliance of the required noise levels, the air conditioning units would be switched off.
- Members requested condition 7 be reworded, to be specific in terms of the timetable for the noise report to be submitted and it being to be enforced. Members agreed

that condition 7 be amended, the exact wording to be delegated to the planning officer and the Chair.

- In response to a question about the existing unauthorised plant equipment which is presently subject to an enforcement appeal, the agent acknowledged that the unit would be removed within 1 month of the planning permission being granted.

RESOLVED:

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee, submitted representations and objections provided verbally at this meeting, planning permission be granted subject to the amended conditions above and the prior withdrawal of enforcement appeal as mentioned above.

Revised Condition 7 Post Installation Noise Report: Within 6 months of the installation of the hereby approved plant equipment a report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 6. The report shall include site measurements of the plant insitu. The report shall be submitted to and approved in writing by the Local Planning Authority and any noise mitigation measures shall be installed before commencement of the development hereby permitted and permanently retained thereafter into perpetuity.

In the event that the submitted information identifies that the noise levels exceed the limits identified within condition 6, the use of the equipment shall cease, until such time following formal confirmation from the Local Planning Authority that any remediation measures supplied by the applicant demonstrate compliance.

REASON: In order to protect the amenity of neighbouring properties in terms of noise.

Revised Condition 8 Installation of timer: Prior to the hereby approved plant equipment being used, a timer shall be installed limiting the operation of the 7 no. air source pumps (Mitsubishi Y Series (PUMY-SP112 – 12.5-15.5KW) units) and 1 no. outdoor air conditioning unit (Daikin Split Sky Air (RZQSG1009V1) between the hours of 08:00 to 20:00 Monday to Friday only. The timer shall be maintained as such thereafter into perpetuity.

REASON: In order to protect the amenity of neighbouring properties in terms of noise

70

10 KIVER ROAD, N19 4PD (Item B2)

Erection of mansard roof extension with 2no. dormers to the front and rear elevations.
Erection of a single storey rear ground floor extension with a glazed roof and associated alterations.

(Planning application number: P2019/1016/FUL)

In the discussion the following points were made:

- The Planning Officer advised the meeting that item is before Committee as the applicant is a ward councillor. Members were advised that no objections had been received.
- The Planning Officer advised that the proposed extension remains subordinate to and preserves the scale and integrity of the original building. Members were advised

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that the extension is of an acceptable scale and appearance and not visible from the public realm.

- The meeting was advised that the proposal is not considered to prejudice the residential amenity of neighbouring amenity and not contrary to policy DM2.1 of the Islington Development Management Policies June 2013.
- With regards to subsidence concerns raised by neighbours, the meeting was advised that party wall issues are a civil matter and are not a material planning consideration.
- In response to concerns that the proposal will be setting a precedent, the Planning Officer advised that with regard to rooflines outside conservation areas, paragraph 5.153 of the Islington Urban Design Guide 2017 states that there is more scope to introduce roof extensions where it is high quality design.

RESOLVED:

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee, submitted representations at this meeting, planning permission be granted subject to the conditions and set out in Appendix 1 of the officer report.

71

42 GLOUCESTER WAY, EC1R 0BR (Item B3)

Erection of an additional storey above the existing roof level to allow additional B1 office floorspace, and associated alterations.

(Planning application number: P2018/2849/FUL)

In the discussion the following points were made:

- The Planning Officer advised members that no additional updates had been received since the publication of the agenda.
- The meeting was informed that results from the submitted daylight assessment indicate that where losses did occur it was acceptable and within the BRE Guidelines. Members were informed that it was noticeable that windows located in proximity to the application site such as No.27 and No.28 Myddelton Street would not be unreasonably impacted beyond its existing situation.
- An objector was concerned that the proposal would impact the amenity of neighbouring properties; overlooking concerns with regards to the communal gardens and their loss of privacy; daylight sunlight loss and the historical impact on the character of the property and surrounds.
- In response to objectors concerns about loss of privacy, the agent advised that condition 10 provides details of the visual privacy screening which will be submitted for approval and prior to it being used and condition 11 will restrict the hours of operation of the roof terrace.
- Members welcomed the design and importantly applicant's decision to use similar brickwork to match the existing appearance of the building, however concerns were raised about the purpose of the roof terrace despite the proposed hours of operation as noted in condition 11. Members acknowledged the sunlight and daylight loss concerns but regarded it as not significant to affect neighbouring amenity.

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- Members were concerned with the roof terrace and its use by office employees and the difficulty of monitoring and enforcing its use. Members noted the screening details, however suggested that notwithstanding a new condition be included stating that both the roof terrace and flat roof areas at rear first and second floor level cannot be used as roof terraces or sitting out spaces other than for essential maintenance or repair, or escape in case of emergency.
- Members agreed suggested condition 10 (details of screening) and Condition 11 (hours of use/operation for the terrace) should be deleted.
- Councillor Convery proposed a motion to include a condition which restricts the use of both the roof terrace and the flat roof as amenity space. This was seconded by Councillor Mackmurdie and carried.

ADDITIONAL CONDITION RESTRICTING USE OF REAR FLAT ROOF AREAS:
Notwithstanding the hereby approved plans including drawing numbers 17.235.102 Existing and Proposed 1st Floor Plan, 17.235.103 Existing and Proposed 2nd Floor Plan & 17.235.104 Existing and Proposed Roof Plan no permission is granted for any use of the rear flat roof areas at first and second floor levels as any form of amenity or sitting out space of any kind whatsoever and shall not be used other than for essential maintenance or repair, or escape in case of emergency.

REASON: To prevent the undue overlooking, loss of privacy and noise and disturbances to adjoining residential properties.

RESOLVED:

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee, submitted representations and objections provided verbally at this meeting, planning permission be granted subject to the conditions, and informatives set out in Appendix 1 of the officer report with the deletion of suggested conditions 10 & 11 and an additional condition as stated above.

72 73 FAIRBRIDGE ROAD, N19 3EP (Item B4)

Retrospective application to change the use of the property from a single dwelling house (C3 use) to be retained as a mixed use; comprising of residential (C3) & childcare(D1) uses for a temporary period of 2 years.

(Planning application number: P2019/0223/FUL)

In the discussion the following points were made:

- Planning officer informed the meeting that condition 3 of the report relating to hours of operation should read 07.30 to 18.00 hours and not 09.00 to 18.00 hours.
- The Planning Officer advised members that the application had been submitted as a result of an enforcement investigation following a complaint raised about the unauthorised use of the property. Members were reminded that the existing childcare facilities had been operational since August 2009 and its present use would be immune from enforcement action in the event of it still being operational by August 2019.
- Members were informed that although the loss of the existing residential floor space would not be acceptable in land use terms, the introduction of a child care facility and loss of the pre-existing residential use is considered on balance to be

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acceptable

- The Planning Officer informed members that the proposal will allow the applicant seek alternative locations for the childcare facilities, after which the host property would be reinstated to a single dwelling house.
- The applicant informed the Committee that she was in the process of looking for alternative locations for the existing child care facility, were hoping to hire a hall and were actually in the process of downsizing the scale of the facility.
- Members welcomed Ofsted's high rating, but noted that the provision of child care in this location amounts to a loss of residential floor space which is contrary to the Council policies.
- A suggestion for an informative be included in the permission stating that the child care facility be limited to a 2-year period after which it will revert back to being a single dwelling was noted. Members agreed that the exact wording of the informative be delegated to the planning officer and the Chair.
- Officers advised members to correct a typo in condition 3 controlling the hours of use of the nursery to change from the report which stated to begin at 9am and to replace this time with 07.30 am to 18.00pm Monday to Fridays.
- In response to issues of noise disturbance to neighbouring properties and the use of rear garden, the planning officer informed the meeting that conditions 3 and 4 in the report addresses those concerns.

Councillor Convery proposed a motion to include an informative stating the temporary nature of the permission granted. This was seconded by Councillor Graham and carried.

RESOLVED:

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee, submitted representations planning permission be granted subject to the conditions set out in Appendix 1 of the officer report and an informative to be included as stated above, the wording of which is to be delegated to officers and the Chair.

CONDITION 03 amended re hours: The hereby approved childcare facility shall only operate Monday to Fridays between 07.30am to 18.00pm hours. The operation of the host building as a childcare facility shall not operate outside of these approved hours.

REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.

Informative wording: The applicant's attention is drawn to the fact that the council only considers a two-year temporary permission to be acceptable in this case as the development is contrary to the council's planning policies to safeguard existing residential floorspace. Members did however consider its function as a useful facility for childcare in the area and consider that two years is an appropriate timeframe for an alternative premise(s) to be sought for the facility in the short to medium term.

The meeting ended at 9.15 pm

CHAIR