

**ADDENDUM TO PLANNING COMMITTEE REPORT**



<b>PLANNING SUB-COMMITTEE B</b>		
Date:	27 February 2018	NON-EXEMPT

Application numbers	P2016/2078/FUL
Application types	Full Planning
Ward	Bunhill
Listed building	Not Listed
Conservation area	Not in a conservation area
Development Plan Context	Bunhill and Clerkenwell Key Area Central Activities Zone City Fringe Opportunity Area Employment Priority Area
Licensing Implications	None relevant
Site Address	14 Bonhill Street, London EC2A 4BX
Proposals	Erection of a five storey rear extension at 1st to 5th floor levels to create 336.7 square metres of additional office space (B1), removal of existing building plant from rear of the site and location of new plant equipment at roof top level within new acoustic enclosure, inclusion of a gantry walkway to the plant area at rooftop level and creation of new entrance and external alterations at ground floor level.

Case Officer	Tom Broomhall
Applicant	GPAD London
Agent	Max Plotnek – Maddox Associates

**1 RECOMMENDATION**

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

- subject to the updated conditions set out in Appendix 1 to the addendum to the planning committee report attached;

## 2. REASON FOR DEFERAL

- 2.1 This application was previously discussed at the Planning Sub-Committee B on 29 November 2016.
- 2.2 At the Planning Sub-Committee meeting the case officer reported that an additional objection had been received proposing an amendment to the noise condition. However, it was the legal view that the amendment would be unenforceable and the condition in the report remained unchanged.
- 2.3 In the discussion the following points were made:
- The report of the noise officer which stated that an increase of 3dB of the lomart would be a worst case scenario however, the site was sensitive due to its complaint history and a potential rise in noise levels could be significant.
  - A condition requiring the developer to submit a noise impact report had not been agreed by the applicant however, it was recommended that this condition be imposed to ensure that there was no unacceptable impact on neighbouring properties.
- 2.4 Council Members proposed to defer the application to further consider the noise impact report in order that the Sub-Committee could be satisfied that measures taken were sufficient to mitigate any noise impact.

## 3 RELEVANT HISTORY - PLANNING APPROVALS ON THE SITE SINCE DEFERRAL IN NOVEMBER 2016

- 3.1 Planning permission has been granted for works on the site subsequent to the deferral by the planning committee in November 2016. These consented works have now been incorporated into the application.
- 3.2 **P2017/3620/FUL:** External alterations to front facade at ground floor level including the installation of a new canopy, entrance doors and windows and alterations to the sub-station louvre. **Approve with conditions (14/11/2017).**
- 3.3 **P2016/3398/FUL:** Removal of existing external plant at first floor rear and installation of new plant to rooftop level, concealed within a new louvred enclosure. **Approve with conditions (25/10/2016).**
- 3.4 **P2017/4116/S73:** Application for the variation of conditions 2 (drawing numbers), 5 (Acoustic Assessment Report) and 6 (Installation of timer) of planning ref P2016/3398/FUL dated: 25/10/2016. Amendments are proposed to the appearance of the rooftop plant and the inclusion of a gantry walkway to the plant area at rooftop level: **Approve with conditions (13/12/2017).**
- 3.5 No responses were received from neighbouring properties during the consultation period for application P2017/4116/S73. The application included a request for an adjustment to the hours of operation of the plant from [7am to 7pm] to [7am to 11pm] as the applicant's acoustic consultant demonstrated that there is no change to the background noise throughout the evening. The Council's Acoustic officer has reviewed the application and this additional request and did not raise any objection to P2017/4116/S73. Permission has been granted subject to the following conditions:

*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 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: 2014*

*REASON: In order to protect the amenity of neighbouring properties.*

*CONDITION: The development shall be constructed in accordance with the submitted acoustic assessment report, assessing the noise from the proposed mechanical plant and demonstrating compliance with condition 4. Any noise mitigation measures shall be installed prior to the first use of the plant and permanently retained thereafter.*

*REASON: In order to protect the amenity of neighbouring properties.*

*CONDITON: "Prior to the hereby approved plant equipment being used, a timer shall be installed limiting the operation of the 9 x condenser units serving the basement to seventh floor areas and the extract fan to between the hours of 07:00 to 23:00 each day only. The plant shall not be operated outside of these hours. The timer shall be maintained as such thereafter."*

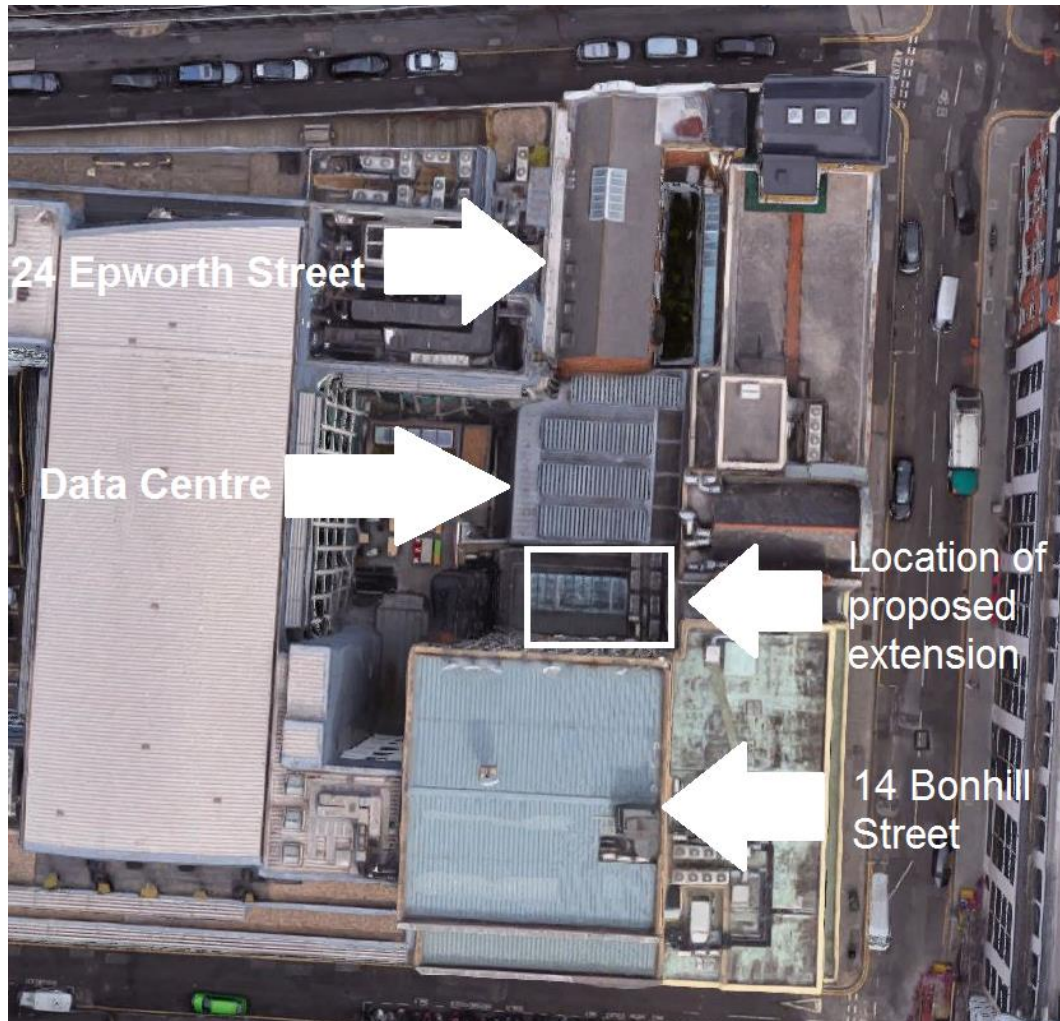
*REASON: In order to protect the amenity of neighbouring properties.*

*CONDITION: Notwithstanding the hereby approved plans, the galvanised steel acoustic louvre as previously annotated on the original approved plans (517A-PA.10 and 517A-PA.11 - granted under P2016/3398/FUL) and the remaining specifications indicated in the Acoustic Specification details (prepared by ACA Acoustics ref 160418-R004 dated 4th October 2017) shall enclose the plant area. The louvre screen shall be finished in grey aluminium steel material, 2.2 metres in height and shall be maintained as such, as long as the plant area remains in situ.*

*Reason: To ensure that there is sufficient acoustic attenuators in place to protect against sound travel.*

## 4 AMENDMENTS AND CONSULTATION

### SITE CONTEXT



**Image 1:** Aerial view of site indicating the location of the proposed extension, the location of the existing plant equipment for the Iomart data centre at 16-22 Epworth Street and the nearest residential units at 24 Epworth Street.

- 4.1 In June 2017 the applicant submitted a set of revised drawings indicating revisions to the proposed rear extension and an updated Acoustic Assessment Report ref: 161130-R001C dated 22 May 2017 which relates to the impact of the development on the existing mechanical plant serving Iomart Group PLC's data centre at 16-22 Epworth Street.
- 4.2 The revisions received in June 2017, the proposed five storey rear extension has been reduced in width at first to third floors from the proposed full width of the rear elevation to part of the width of the rear elevation. This results in a reduction in the uplift of the proposed office floorspace from the initially proposed 474 square metres to 336.7 square metres. The amendments also result in the retention of the existing fire escape staircase on the rear elevation of the building. The design and appearance of the rear extension has been amended to remove the proposed glazing from the rear elevation of the extension and change the external materials on the rear elevation from cream render to Perforated Rain Screen Cladding. As a result, the description of the proposed works has been amended as follows:

*Erection of a five storey rear extension at 1st to 5th floor levels to create 336.7 square metres of additional office space (B1), removal of existing building plant from rear of the site and location of new plant equipment at roof top level within new acoustic enclosure, inclusion of a gantry walkway to the plant area at rooftop level and creation of new entrance and external alterations at ground floor level.*

4.3 Letters were sent to neighbouring properties on the 21 June 2017 following the submission of the revised drawings and updated Acoustic Assessment by the applicant. The reconsultation period expired on the 7 July 2017. Five additional objections have been received from neighbouring properties during this time, including four residents at 24 Epworth Street and the Iomart Data Centre.

4.4 The issues raised can be summarised as follows (including the corresponding paragraphs in this addendum report addressing the issues in brackets):

- Loss of daylight to windows which face the courtyard at 24 Epworth Street (para 5.11);

- Proposed rear extension would result in an increase in temperature and plant services load on the data centre at 16-22 Epworth Street and its associated plant equipment (See para's 5.12-5.37);

- The latest acoustic report fails to provide appropriate technical detail supported by robust acoustic prediction to justify the proposed mitigation of the impact on the data centre at 16-22 Epworth Street and its associated plant equipment (See para's 5.12-5.37);

- Cumulative noise disturbance of existing breach of planning controls by the data centre at 11-21 St Paul Street known as Iomart plc and further impact of proposed works on the noise disturbance to 24 Epworth Street (See para's 5.12-5.37);

- Latest noise report does not reference the requirements of the NPPF, London Plan or Islington's Development Plan (See para's 5.38-5.41);

- Additional noise disturbance from relocation of the plant equipment to roof top level (See para's 5.42);

## **5 ASSESSMENT OF REVISED SCHEME AND NOISE IMPACT ASSESSMENT**

### **Land Use**

5.1 The revised proposals result in a reduction in the uplift of B1 Office floorspace from 474 square metres to 336.7 square metres. Whilst reduced in total floor area, the revised scheme continues to provide additional B1 Office floorspace to an existing B1 Office building. The application continues to propose a rear extension to an established B1(a) use, and the new floorspace would use the same access and circulation routes as the existing floorspace. Therefore, the proposals continue to comply with the aims of policy BC8 of the Finsbury Local Plan and are acceptable in land use terms.

### **Design and Appearance**

5.2 The design of the extension has been amended during the course of the assessment. Initially the original scheme proposed to have a full width extension at first to third floors and part width at fourth and fifth floors. The amended design would now be part width from floors 1 to 5, with the first to third floor reduced in width to match the proportions of the rear extension at fourth and fifth floors. The design and appearance of the extension

has been revised to remove glazing from the rear elevation and is proposed to be clad in entirely in Perforated Rain Screen Cladding on the rear elevation.

- 5.3 The Council's Building Control officer has not raised any objection to the materials proposed on the extension, however the applicant is advised that the materials used must have regard to the requirements of Approval Document Part B of the Building Regulations 2010 or equivalent.
- 5.4 The scale, bulk, massing, design and appearance of the proposed rear extension continue to remain acceptable given their reduction in size, the site's commercial use and the relationship to the surrounding properties. The use of Perforated Rain Screen Cladding is considered to be acceptable subject to a condition requiring details and samples to be submitted to and approved by the Local Planning Authority. This is included as a revised wording of condition 9 from that originally proposed.
- 5.5 The revised design of the plant enclosure with the inclusion of a gantry walkway to the plant area at rooftop level has already been consented under permission P2017/4116/S73. The plant enclosure would be centrally located within the rooftop and given the height of the building and the width of the road, there would be no public views of the plant enclosure. Therefore the impact on the character and appearance of the host building and surrounding area is minimised.
- 5.6 In summary, the revised proposals accord with the aims of policy DM2.1 of the Islington Development Management Policies 2013 and guidance contained within the NPPF, and Islington Urban Design Guide 2017.

### **Neighbouring Amenity**

- 5.7 The revised scheme presents a reduction in the width of the proposed rear extension and a resultant overall reduction in scale and massing at first to third floors. This reduction in width, scale and massing would therefore have a lesser impact on the amenities of neighbouring properties in terms of loss outlook or creation of undue sense of enclosure and there would be some reductions in the impact. The application was not deferred for any reason in relation to massing.
- 5.8 The submitted Daylight and Sunlight report for the initial scheme indicated that there would be some losses of daylight and sunlight to neighbouring properties at 16-22 Epworth Street and 23 St Paul Street. The initial committee report (29 November 2016) concluded that the impact is considered to be acceptable in planning terms given the affected non-residential uses. The planning committee raised no objection in this regard. A letter from a firm of chartered surveyors has been submitted, considering if the changes to the revised design of rear extension would detrimentally impact on the residential properties at 24 Epworth Street. The letter concludes that the revised proposals will not have a greater impact on 24 Epworth Street than proposed by the initial scheme (which was compliant in any event).
- 5.9 The revised design of the rear extension is reduced in width, scale, massing and bulk at first to third floors. Whilst a revised daylight and sunlight report to reflect the revised design, has not been submitted, it is reasonable to expect the impact on levels of daylight and sunlight to be the same and in some cases, the impact is likely to be reduced as a result of the reduced width, scale, bulk and massing.
- 5.10 The original scheme was considered to be acceptable in amenity terms. It is considered that the impact of the revised design of the rear extension, reduced in width, scale, bulk

and massing will therefore reduce the impact on neighbouring amenity and continues to accord with policy DM 2.1 of the Islington Development Management Policies (2013).

- 5.11 An objection has been received concerning the impact on windows which face the courtyard at 24 Epworth Street. However, the daylight report has considered the impact on windows which face the courtyard at 24 Epworth Street identified as W1 and W2 at ground and first floor levels, and indicates that the proposals accord with the requirements of the BRE requirements in relation to daylight and sunlight. Therefore, the proposals are acceptable in this regard, in accordance with policy DM2.1 of the Islington Development Management Policies (2013).

### **Noise/Acoustic Assessment**

- 5.12 The application was deferred pending further information to address concerns over the impact of the proposed extension on the noise levels generated by the lomart data centre plant equipment which sits directly adjacent to the proposed extension.
- 5.13 As a result, further consideration has been given to the impact of the proposed development on the noise levels from the nearest noise sensitive receptor from the lomart plant operation. There is an existing plant noise condition attached to the planning permission relating to the lomart plant equipment. Planning permission ref: P111161 granted consent for a replacement acoustic roof to existing plant equipment and installation of acoustic cowls to condenser outlets at Standard House, 16-22, Epworth Street dated 2 September 2011.
- 5.14 It should be noted that the following condition is attached to planning permission P111161 dated 2 September 2011.

*CONDITION 3: The rating level of noise emitted by the plant, one metre from the nearest noise sensitive facade of 24 Epworth Street EC2, shall not exceed the following values at the times given below:*

*50 dBA 0701 hrs to 1900 hrs 46 dBA 1901 hrs to 2300 hrs 41 dBA 2301 hrs to 0700 hrs*

*The rating level of noise from the plant shall be determined as per the guidance of BS 4142:1997.*

*REASON: In order to protect residential amenity.*

- 5.15 In June 2017 the applicant provided an updated Acoustic Assessment dated 22 May 2017 which relates to the impact of the proposed extension on the existing mechanical plant serving lomart Group PLC's data centre. This has been reviewed by the Council's Acoustic Officer.
- 5.16 The acoustic consultant for the applicant is known as 'ACA'. ACA carried out a noise assessment of the lomart Group PLC data centre. This assessment took place late evening/early morning period of 9<sup>th</sup> to 10<sup>th</sup> March 2017. Sound levels were measured outside the resident's window at 24 Epworth Street to assess the potential impact of the development on existing mechanical plant equipment noise levels that serve the lomart data centre. Also short term measurements of the specific sound level were undertaken at 1m from the specific sound sources at the location.
- 5.17 It is understood that lomart did not allow any machinery to be turned off for any time during this assessment and so the acoustic assessment had to be carried out with that stipulation. Background sound levels in the latest assessment are quoted from the

Acoustic Assessment which took place in 2011 with the lomart plant equipment switched off.

- 5.18 The Council's Acoustic Officer has carefully considered the Acoustic Assessment and his input has fed directly into the assessment in this report. The Acoustic Officer has noted that in any measurement there is uncertainty to be managed. The Acoustic Officer has also noted that the operation of the lomart cooling plant will vary according to the air temperature but clearly it would be unfeasible to run an acoustic survey of the plant for a duration that enabled the entire range of temperatures that the plant could operate in to be surveyed. The measurement is a snapshot of the sound emitted at the time of the survey and provided that reasonably similar conditions are encountered then it would be feasible to reproduce this measurement. The  $L_{Aeq}$ s recorded during the ACA survey are all 52dB or 53dBA. It is noted ACA advised that during the survey the lomart plant noise was relatively constant and claimed that the lomart engineer onsite stated that the noise level was normally relatively constant anyway. The measurement was taken using a microphone on a boom.
- 5.19 The small extract fan noted within the ACA report was serving another property and ACA were unable to switch that off. The fan was noted "not dominant above the level of the other equipment." Using the LA90 rather than the LAeq will result in a lower specific sound level for the plant (and hence a more onerous baseline).
- 5.20 Following concerns over the impact of the extension on the operation of the data centre plant equipment and the condition attached to consent P111161, the applicant met with Council officers. It's understood that following that meeting the applicant met with the operators of the lomart data centre and in response to concerns over the age of the background noise data gathered in 2011, a noise assessment was undertaken by lomart.
- 5.21 The noise assessment was carried out by MLM Group on 14 November between 12am and 1am where a combination of noise and receptor measurements were undertaken in relation to the plant equipment for the data centre owned by lomart Group PLC at 16-22 Epworth Street. A Technical Report by MLM Group was received on 21 December 2017. This has been reviewed by the Council's Acoustic Officer.
- 5.22 Condition 3 attached to P111161 referred to above, requires the plant equipment for the data centre to not exceed a sound rating level of 50dBA between 0701 hrs to 1900 hrs; or exceed 46dBA between 19001 hrs to 2300 hrs; or exceed 41dBA between 2301 hrs to 0700 hrs at 1m from the nearest noise sensitive façade of 24 Epworth Street. The report by MLM concludes that the overall sound level measured outside the closest residential property was 51dBA and that the plant serving lomart is contributing 41dBA; thus it is not breaching the noise criteria of the condition at the time of measurement.
- 5.23 The ACA report calculates that the impact of the proposed rear extension will potentially increase the sound level of the lomart plant between 0dBA and 2dBA. The MLM report predicts an increase in the lomart plant of between 1 and 3dB.
- 5.24 With the relocation of the existing 14 Bonhill Street plant to the roof this will result in the cumulative plant sound level being reduced by 3dB at the one end of the predictions to no increase at the worst case. For reference it is noted that a 3dB change is commonly quoted as the minimum difference in sound level that is detectable by the human ear. The Council's Acoustic Officer has not raised any objection to the updated Acoustic Assessment submitted by the applicant or the impact on the data centre plant equipment, subject to conditions. Conditions 3, 4, 5, 6 7, 9 and 10 within Appendix 1 of this report have been recommended by the Acoustic Officer as mitigating measures to deal specifically with potential noise. Officers consider that the full compliance with these



conditions would ensure the impact on adjoining neighbouring properties would be limited in terms of noise.

- 5.25 It has been demonstrated by the MLM report (Iomart – noise assessment report) that at the time of the measurement, the impact of the extension would not result in a breach of the noise condition on the plant equipment at the data centre.
- 5.26 The Council has to consider the application on its merits and the potential noise impact upon the residential uses. The application proposes the relocation of the existing Bonhill Street plant from the first floor at the rear of the building, onto the rooftop and away from the nearest receptor, which will clearly result in less noise at the receptor and have a positive impact as a reduction of 10dB is stated within the ACA report. In assessing the application, the Council is required to look at the current noise levels, use these as a baseline and recommend conditions to avoid significant adverse impacts.
- 5.27 As a result of the MLM Technical Note, previously proposed conditions 3 & 4 have been removed from the recommendation. In addition, the following condition 9 has been requested by the Acoustic Officer to minimise the reflected sound from the developments' rear façade:

*CONDITION: Full particulars and details and samples of the Perforated Rain Screen Cladding shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site.*

*This shall include a schematic drawing and the sound absorption properties of the scheme*

*The rear facade shall be constructed strictly in accordance with the details so approved prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.*

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

*REASON: In the interest of securing sustainable development, to ensure that the resulting appearance and construction of the development is of a high standard, to ensure compliance with fire safety and to protect the amenity of neighbouring properties through the use of acoustic treatment to minimise reflected sound.*

- 5.28 Within the initial recommendation for approval presented to the Planning Sub-Committee, the Council's Acoustic Officer requested conditions relating to mitigation of the impact of noise disturbance, and these are retained and now listed at 3, 4, and 10. These conditions remain unaltered in this latest recommendation for approval.
- 5.29 Conditions 5, 6 and 7 have been attached to consent P2017/4116/S73 for the revised plant equipment to ensure the amenities of neighbouring occupiers are protected and to ensure sufficient acoustic attenuation is in place to protect against sound travel. Therefore, it is recommended that those conditions are attached to this latest application.
- 5.30 It should be noted that there is an ongoing investigation by the Planning Enforcement Team into the noise generated by the Iomart data centre plant equipment and this is a separate issue from the assessment of the proposed planning application. That case remains open despite recent conclusions that the noise levels met the condition (tested in November 2017).

- 5.31 The updated Acoustic Assessment by ACA, the MLM report and the revised conditions are considered to be sufficient to mitigate any noise impact to protect the operation of the adjoining and adjacent commercial and residential occupiers and therefore the reasons for the deferral of the decision on the application have been addressed.
- 5.32 In February 2018, the applicant submitted revised drawings to incorporate the works approved under permissions P2017/4116/S73 and P2017/3620/FUL. When these proposals were originally advertised no responses were received from neighbouring properties and no objections were received from the Acoustic Officer or the Design Officer. As these works have already been consented and could be implemented independent of this current application, it is therefore not considered that neighbouring properties are prejudiced through the inclusion of these amendments as part of this application.
- 5.33 The Council's Acoustic Officer has considered the impact of implementing the revised plant enclosure approved through planning consent ref: P2017/4116/S73 in December 2017 and associated Acoustic Assessment dated November 2017.
- 5.34 The primary air conditioning approved under consent P2016/3398/FUL in October 2016 operates within a 0700-1900 hours period only. The lowest measured background sound level  $L_{A90}$  during this operational period is 49dBA. The predicted level for these units is 40dBA at 1m from the receptor which is 9dBA below the background noise levels.
- 5.35 The revised scheme ref: P2017/4116/S73 includes 10 small condensers that future tenants may require for server rooms operating 24 hours a day. The smaller condensers are much quieter and the manufacturer's data states three-night time modes of step 1: 47dBA, step 2: 44 dBA, step 3: 41 dBA at a distance of 1m. In comparison the previously approved 9 primary condensers (3 different types) are stated as 61, 65 or 66dBA at 1m. The details submitted with the revised scheme predicted a level of 42dBA at the receptor, which is 7dB below the background noise levels.
- 5.36 The lowest measured background sound level  $L_{A90}$  during the 24-hour operational period is 46dBA. The revised scheme ref: P2017/4116/S73 predicts a level of 22dBA at the receptor outside of normal office hours, which is 24dB below the background noise levels and therefore an improvement on the previously proposed plant equipment.
- 5.37 Following the above assessment, the Council's Acoustic Officer has not raised any objection to the revised plant equipment or the proposed extension rear extension.
- 5.38 An objection has been received concerned that the Acoustic Assessment has not referred to the requirements of the National Planning Policy Framework (NPPF), London Plan or Islington's Development Plan.
- 5.39 Paragraph 123 of the NPPF sets out that:

*Planning policies and decisions should aim to:*

- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*

- *identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.*

- 5.40 However, the NPPF requirements are for Local Planning Authorities to make decisions which mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions. The acoustic assessment is a technical document which seeks to provide evidence that noise emissions from the equipment comply with the Council's acoustic requirements applicable for mechanical services equipment affecting nearby noise-sensitive properties.
- 5.41 Therefore, it would be unreasonable to refuse the application on the basis of failing to directly refer to the NPPF. In any event, as set out by the assessment of the information in the preceding paragraphs in this addendum, the impact of the proposed works is considered to be acceptable subject to the conditions detailed at the end of the report. Mitigation measures recommended by the Council's Acoustic Officer through these conditions would ensure compliance with the details set out in paragraph 123 of the NPPF.
- 5.42 An objection has been received concerned that the relocation of the plant equipment from the first floor courtyard to the roof top of the building would lead to an increase in noise disturbance to neighbouring properties. The proposals would result in an increase in the separation distance of the plant equipment on the property, from the neighbouring properties and includes the provision of a new acoustic enclosure. The Council's Acoustic Officer has reviewed the information submitted and has not raised any objection to the proposals subject to conditions and that aspect of the proposals has already been approved.
- 5.43 Therefore, the works proposed by the application are acceptable subject to the recommended conditions at Appendix 1 at the end of this report.

## **6. CONCLUSION**

- 6.1 The proposal is for the erection of a four storey rear extension and results in the creation of an additional 336.7 square metres of B1 office floorspace, removal of existing building plant from the rear first floor of the site and the location of new plant equipment at roof top level within a new acoustic enclosure, and the creation of a new entrance at ground level.
- 6.2 The provision of additional B1 floorspace and its design and layout is considered to meet policy requirements and is acceptable. The design, scale, bulk, massing, appearance and use of materials of the proposed rear extension are considered to be acceptable and would not detract from the character and appearance of the host building or surrounding area subject to conditions.
- 6.3 The impact of the proposed extension on the amenity of neighbouring properties is considered to be acceptable in terms of the impact on privacy, daylight, sunlight and outlook as a result of the new extension. The impact of noise emissions from the proposed new plant equipment on the roof top of the building is considered to be acceptable subject to conditions.
- 6.4 The updated acoustic assessment, additional Technical Note and recommended conditions are considered to ensure that the extension does not lead to plant noise levels having a significant adverse impact on the amenity of nearby residential receptors.
- 6.5 Therefore, subject to conditions, the proposal is considered to accord with relevant policies.

6.6 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 - RECOMMENDATION.

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

That the grant of Full Planning be subject to **conditions** to secure the following:

#### List of Conditions:

<b>1</b>	<p><b>3 Year Consent</b></p> <p>3 YEAR CONSENT PERIOD: 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>
<b>2</b>	<p><b>Approved Plan List</b></p> <p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>517-EX.01; 517-EX.02; 517-EX.03; 517-EX.04; 517-EX.05; 517-EX.06; 517-EX.07; 517-EX.08; 517-EX.09; 517-EX.10; 517-EX.11; 517-EX.12; 517-EX.13; 517-EX.14; 517-EX.15; 517-EX.16; 517-PA.01 RevB dated 05.02.17; 517-PA.02 RevB dated 05.02.18; 517-Pa.03 RevB dated 05.02.18; 517-PA.04 RevB dated 05.02.18; 517-PA.05 RevB dated 05.02.18; 517.PA.06 RevB dated 05.02.18; 517.PA.07 RevB dated 05.02.18; 517.PA.08 RevB dated 05.02.18; 517-PA.09 RevB dated 05.02.18; 517-PA.10 RevE dated 05.02.18; 517-PA.11 RevD dated 05.02.18; 517-PA.12 RevE dated 05.02.18; 517-PA.13 RevE dated 05.02.18; 517.PA.14 RevE dated 05.02.18; 517.PA.15; Daylight and Sunlight Report project ref 21BHS; Planning; Design and Access Statement May 2016; Acoustic Assessment of proposed mechanical Equipment at 14 Bonhill Street 160418-002A dated May 2016; Acoustic Design Review ref: 160914-002A dated 28/09/2016; Acoustic Assessment Report ref: 161130-R001 dated March 14 2017; Acoustic Assessment Report ref:161130-R001C dated May 22 2017; Sustainable Design and Construction Statement; Area Schedule of NIA Gained; Letter from CPMC dated 22 September 2017 ref: 14 BS; Acoustic Assessment Report ref: 160418-002D dated November 2017;</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<p><b>Acoustic Condition A/C Plant</b></p> <p>The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level <math>L_{Aeq Tr}</math> 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 5dB(A) below the background noise level <math>L_{AF90 Tbg}</math>. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014</p> <p>REASON: In order to protect the amenity of neighbouring properties.</p>
<b>4</b>	<p><b>Validation Report A/C Plant</b></p> <p>A report is to be commissioned by the applicant, using an appropriately experienced &amp; competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 3. The report shall be submitted to and approved in writing by the Local Planning Authority and any noise mitigation measures shall be installed before first use of the extension hereby permitted and permanently retained thereafter</p> <p>REASON: In order to protect the amenity of neighbouring properties.</p>

<b>5</b>	<b>A/C Timer Condition</b>
	<p>CONDITION: Prior to the hereby approved plant equipment being used, a timer shall be installed limiting the operation of the 9 x condenser units serving the basement to seventh floor areas and the extract fan to between the hours of 07:00 to 23:00 each day only. The plant shall not be operated outside of these hours. The timer shall be maintained as such thereafter.</p> <p>Reason: In order to protect the amenity of neighbouring properties.</p>
<b>6</b>	<b>Noise Report</b>
	<p>CONDITION: The development shall be constructed in accordance with the submitted Acoustic Assessment Report ref: 160418-002D dated November 2017, assessing the noise from the proposed mechanical plant and demonstrating compliance with condition 3. Any noise mitigation measures shall be installed prior to the first use of the plant and permanently retained thereafter.</p> <p>REASON: In order to protect the amenity of neighbouring properties.</p>
<b>7</b>	<b>Acoustic Louvre</b>
	<p>CONDITION: Notwithstanding the hereby approved plans, the galvanised steel acoustic louvre as previously annotated on the original approved plans (517A-PA.10 and 517A-PA.11 - granted under P2016/3398/FUL) and the remaining specifications indicated in the Acoustic Specification details (prepared by ACA Acoustics ref 160418-R004 dated 4th October 2017) shall enclose the plant area. The louvre screen shall be finished in grey aluminium steel material, 2.2 metres in height and shall be maintained as such, as long as the plant area remains in situ.</p> <p>Reason: To ensure that there is sufficient acoustic attenuators in place to protect against sound travel.</p>
<b>8</b>	<b>Construction Management Plan</b>
	<p>CONDITION: No development (including demolition works) shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ol style="list-style-type: none"> <li>i. the parking of vehicles of site operatives and visitors</li> <li>ii. loading and unloading of plant and materials</li> <li>iii. storage of plant and materials used in constructing the development</li> <li>iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</li> <li>v. wheel washing facilities</li> <li>vi. measures to control the emission of dust, dirt and vibration during construction</li> <li>vii. a scheme for recycling/disposing of waste resulting from demolition and construction works</li> </ol> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.</p>
<b>9</b>	<b>Façade Treatment</b>
	<p>CONDITION: Full particulars and details and samples of the Perforated Rain Screen Cladding shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site.</p> <p>This shall include a schematic drawing and the sound absorption properties of the scheme.</p>

	<p>The rear facade shall be constructed strictly in accordance with the details so approved prior to the first occupation of the development hereby approved, 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>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development, to ensure that the resulting appearance and construction of the development is of a high standard, to ensure compliance with fire safety and to protect the amenity of neighbouring properties through the use of acoustic treatment to minimise reflected sound.</p>
<b>10</b>	<b>Acoustic Enclosure</b>
	<p>CONDITION: The acoustic enclosure shown on the approved plans shall be installed prior to the first use of the roof plant hereby approved, and shall be retained as such in perpetuity.</p> <p>REASON: In order to protect the amenity of neighbouring properties.</p>

**List of Informatives:**

<b>1</b>	<b>Positive Statement</b>
	<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.</p> <p>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision in accordance with the requirements of the NPPF.</p>
<b>2</b>	<b>INFORMATIVE: HOURS OF CONSTRUCTION</b>
	<p>INFORMATIVE: The applicant is advised that the accepted working hours for development within the borough are:</p> <p>08.00am - 6.00pm on Mondays to Fridays, 9.00am - 1.00pm on Saturdays and not at all on Sundays and Bank Holidays.</p>
<b>3</b>	<b>Construction Materials</b>
	<p>The applicant is advised that the materials used in the construction of the extension must have regard to the requirements of Approval Document Part B of the Building Regulations 2010 or equivalent.</p>

## PLANNING COMMITTEE REPORT

Development Management Service  
Planning and Development Division  
Environment and Regeneration Department  
PO Box 333  
222 Upper Street  
LONDON N1 1YA

<b>PLANNING SUB- COMMITTEE B</b>		
<b>Date:</b>	29th November 2016	<b>NON-EXEMPT</b>

Application number	P2016/2078/FUL
Application type	Full Planning Application
Ward	Bunhill
Listed Building	Not Listed
Development Plan Context	Bunhill and Clerkenwell Key Area Central Activities Zone City Fringe Opportunity Area Employment Priority Area
Conservation Area	Not in a conservation area
Licensing Implications Proposal	None
Site Address	14 Bonhill Street, London EC2A 4BX
Proposal	Extension of existing part 5, part 8 storey office building to rear from 1st to 5th floor to create 474 square metres of additional office space (B1), removal of existing building plant from rear of the site and location of new plant at roof level within new acoustic enclosure, removal of existing rear fire escape and creation of new entrance at ground level.

Case Officer	Duncan Ayles
Applicant	GPAD London
Agent	Matt Bailey

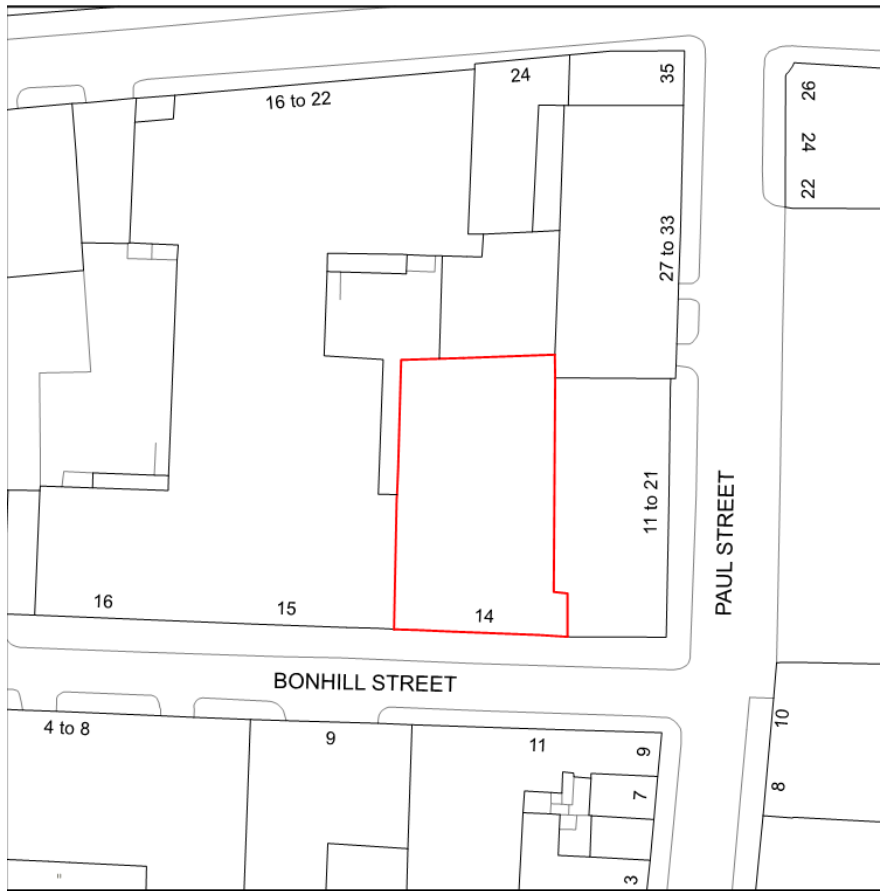
### 1. RECOMMENDATION

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

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



**2 SITE PLAN (SITE OUTLINED IN BLACK)**



**3 PHOTOS OF SITE/STREET**

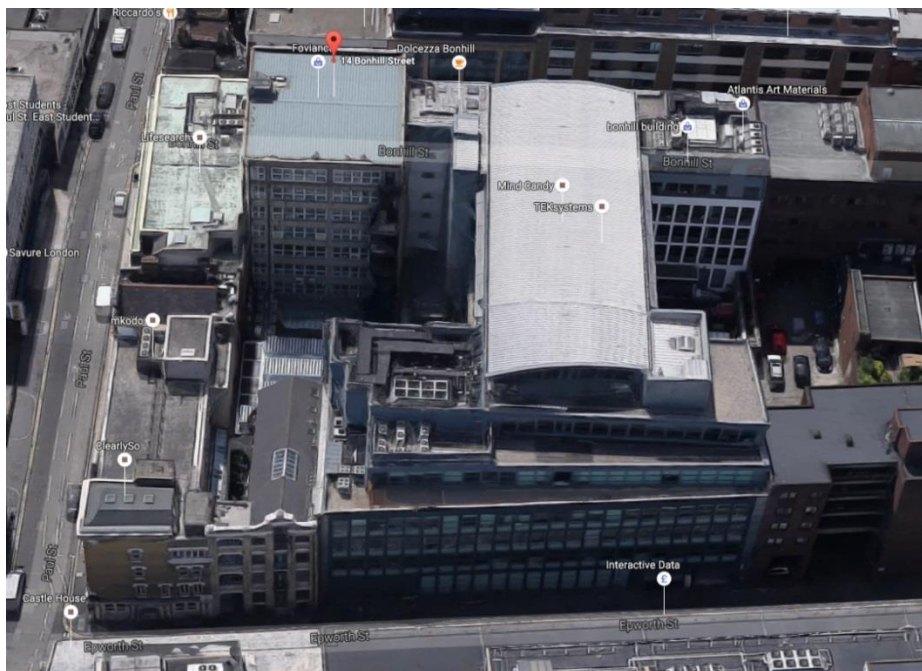


Image 1: Aerial View of the Site



Image 2: View of the Rear of the building from existing fire escape including existing A/C plant and plant serving data centre



Image 3: View of Existing Data Centre Plant and part of rear façade of 24 Epworth Street

#### **4. SUMMARY**

- 4.1 The application proposes the erection of a five storey extension to the rear of an office building within the south of the Borough, the relocation of existing air conditioning plant to the roof of the property and the creation of a new entrance from Bonhill Street into the property. The proposed land use is considered to be acceptable given the existing use at the site and the requirements of the Finsbury Local Plan. The proposed extension is also considered to be acceptable in terms of its design, given its location at the rear of the building, and the character of the courtyard area to the rear of the site. The impact on the amenity of neighbouring properties is also considered to be acceptable.
- 4.2 Objections have been received from a data centre located in close proximity to the site, which relies on heat exchange plant situated immediately to the north of the application site. The objection is submitted on the grounds that the extension would reduce air flow to the plant which would give rise to an increase in temperatures and an increase in the noise emission from the plant. Objections have also been received in respect of the new air conditioning plant proposed to the roof of the application building.
- 4.3 The Council's acoustic officer has reviewed the objections received, and has confirmed that subject to appropriate conditions being imposed on the approval, the impact on the data centre and the amenity of neighbouring properties would be acceptable.

#### **5. SITE AND SURROUNDING**

- 5.1 The application site is located at 14 Bonhill Street, a part five, part eight and part single storey office building located within the south of the Borough. The building includes a five storey element on the frontage to Bonhill Street, a further three storeys set back from Bonhill Street and a single storey element at the rear. The site is located to the north east of Finsbury Square. The site is located within a predominantly commercial location, with surrounding office buildings at 15 and 16 Bonhill Street and at 11 to 21 Paul Street. Residential uses are also located in close proximity to the site at 24 Epworth Street and 23 Paul Street to the north east of the site contains a bar/night club.
- 5.2 To the rear of the site is a courtyard that is bounded by the development at Paul Street, Epworth Street and the Bonhill Building which is an I shaped building with frontages on Bonhill Street and Epworth Street. This courtyard contains a number of heat exchangers that serve the Iomart data centre at 11 to 21 Paul Street. The buildings

#### **6. PROPOSAL (in Detail)**

- 6.1 The application seeks planning permission for the erection of a five storey rear extension between the first and fifth floors, the creation of a new ground floor access into the building from Bonhill Street, the removal of existing A/C plant at the first floor rear and an existing fire escape, and the installation of new air conditioning plant to the roof of the building enclosed in a 2.2 metre high acoustic enclosure.
- 6.2 The proposed extension will be built along the site boundary line with 11 to 21 Paul Street, and will project 7.7 metres in depth from the existing rear façade of the building. The extension will extend across the full width of the rear of the building at first to third floor level, with a chamfered corner in the north-western part of the site closest to 15 Bonhill Street. At fourth and fifth floor level the rear extension also projects to a depth of 7.7 metres but will be part width and extends

9.3 metres across the rear facade. The erection of the proposed rear extension requires the removal of an existing fire escape staircase.

- 6.3 The application also proposes to remove existing air conditioning plant from the ground floor level at the rear of the property and located new building plant on the 8<sup>th</sup> floor roof of the building, where it will be located within an acoustic enclosure. The application also proposes the formation of a new entrance on the Bonhill Street frontage with associated changes to the elevation.

## 7. RELEVANT HISTORY

### PLANNING APPLICATIONS

- 7.1 **P2016/3398/FUL:** Removal of existing external plant at first floor rear and installation of new plant to rooftop level, concealed within a new louvred enclosure: **Approved with conditions (25/10/2016).**

- 7.2 The proposed removal of the existing plant from the rear of the site and installation of new plant to the roof has there been approved.

#### Standard House Epworth Street

- 7.3 **P010148:** The installation of four generators and dry air coolers, within a housing structure and louvres within the ground floor yard area east of and adjoining Standard House: **Approved with conditions (29/9/2001).**

### ENFORCEMENT

- 7.4 None

### PRE APPLICATION ADVICE

- 7.5 None

## 8 CONSULTATION

### Public Consultation

- 8.1 Letters were sent to occupants of 37 nearby and neighbouring properties on the 31<sup>st</sup> of May 2016. Neighbours were reconsulted on the 26<sup>th</sup> of October following the submission of an updated acoustic report by the applicant. The final resconsultation expires on the 10<sup>th</sup> November 2016. Two objections were received from neighbouring properties, including one resident at 24 Epworth Street and the Iomart Data Centre. The issues raised can be summarised as follows (including the corresponding paragraphs in the report addressing the issues in brackets);

-Impact on the function of the adjacent data centre, including in terms of restricted air flow, causing increased noise emissions, increased energy use and therefore impact on the ongoing operation of the data centre. (Paras.10.26-10.35)

-Impact on the new roof plant on the amenity of neighbouring properties. (Para 10.24-10.25)

## Internal Consultees

- 8.2 **Acoustic Officer:** Has assessed the report submitted, the engineer's report with the Computational fluid dynamic (CFD) analysis. The Acoustic officer has confirmed that he is not an expert on CFD and can't comment on the validity of the assumptions within the report. However, the report submitted has taken a worst case scenario. A one degree increase in air temperature would cause an increase in sound pressure of an average of 1 dB over the values quoted, at most 2dB and at the least no change. The structure of the building has also been modelled to cause a 1.1 dB increase.
- 8.3 Therefore, as a worst case scenario there would be an increase of 3.1 dB and at some temperatures at 1.1 dB increase. Predictions are quoted to a 1 decimal place in line with the report, but this suggests a level of accuracy that is unrealistic certainly in the noise predictions and probably in the CFD analysis too. The impact of the development will be variable over the range and will be less at lower temperatures. This is a site where the Council has previously received complaints, although planning and noise nuisance are different regimes, it may be difficult for use to take action if the development led to noise complaints. Although 3 dB is commonly quoted as the minimum discernible impact, this is a sensitive receptor and any increase in noise levels could lead to a moderate impact that should be minimised in line with the NPPF, through the imposition of a condition.
- 8.4 It not a typical situation as planning applications tend to deal with noise plant or uses, or introduce sensitive uses that need to be conditioned to ensure adequate noise insulation.
- 8.5 **Updated Comment 13<sup>th</sup> October.** Complaints were historically received from 24 Epworth Street, and this is why this has been used as the monitoring position in the MLM report submitted by lomart. There have been no complaints following the mitigation measures, and the Council are not aware of any issues raised from the residential units at Paul Street. The dominant noise from the Epworth Street property is likely to be from the lomart Plant rather than the Bonhill Street plant and it likely to have little effect on the sound received at 24 Epworth Street (and may even make the sound more noticeable).
- 8.6 The situation is sensitive due to the complaint history and a potential rise in noise levels could be significant. The objector's position is that the proposed new building will have a significant effect on the noise level of their plant at the receiver. The CFD analysis would seem to demonstrate that (and the applicant has not submitted information to address this point). Therefore, the condition is necessary
- 8.7 **Legal Department:** The proposed condition meets relevant statutory tests. The main concern is whether it is reasonable given that it requires the applicant to undertaken measures on land outside of its control. There is case law [British Railways Board v Secretary of State for the Environment (1993)] which held that as long as the condition is negative in character, and is imposed for sound planning reasons, then the fact that it may be difficult to fulfil does not mean that it would be unlawful to impose it. The PPG also addresses this issue:

When can conditions be used relating to land not in control of the applicant?

Conditions requiring works on land that is not controlled by the applicant, or that requires the consent or authorisation of another person or body often fail the tests of reasonableness and enforceability. It may be possible to achieve a similar result using a condition worded in a negative form (a *Gramplan* condition) – i.e. prohibiting development authorised by the planning permission or other aspects linked to the planning permission (e.g. occupation of premises) until a specified action has been taken (such as the provision of supporting infrastructure). Such conditions should not be used where there

are no prospects at all of the action in question being performed within the time-limit imposed by the permission.

- 8.8 As long as there is some prospect of the action being performed that it will meet the policy tests. In this case there is such a prospect, as the adjacent land owner itself has invited a condition being imposed. However, the proposed wording should be discussed with GL Hearn, which addresses the event that the mitigation measures turn out to be ineffective.
- 8.9 **Design and Conservation:** The proposed extension is not located in a conservation area and public views of the extension will be limited due to its location at the rear of the building. While the extension is relatively large, it would be subordinate to the application building as a punctuating gap is provided to the top of the building and because the upper floors are part width. Given the character of the existing rear courtyard area, the design is considered to be acceptable.

**External Consultees:**

- 8.10 None

**9 REVELANT 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.
- 9.2 The National Planning Practice Guidance 2014 is a material consideration and has been taken into account as part of the assessment of these proposals.

**Development Plan**

- 9.3 The Development Plan is comprised of the London Plan 2015 Consolidated with Alterations Since 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

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

- 9.4 The relevant SPGs and/or SPDs are listed in Appendix 2.

**10 ASSESSMENT**

- 10.1 The main issues arising from this proposal relate to:
- Land Use
  - Design and Impact on the Character and Appearance of the Area

- Impact on the Amenity of Neighbouring Properties
- Impact on the Function of the adjacent data centre
- Sustainability

### **Land Use**

- 10.2 The existing use at the site is an office (B1(a)) and the application proposes to extend this use with a further 474 square metres of B1 (a) floor space. The site is located within the central activities area and within an employment priority area. Policy BC8 of the Finsbury local plan confirms that new office development should not be an unfettered B1 (a) floorspace, but should also include a proportion of non-B1(a) or other business related floor space such as light industrial workshops, galleries and exhibition space. BC 8 C confirms that within employment priority areas the proportion of B1(a) floor space should be optimised.
- 10.3 Therefore, the principle of an extension to the existing office use to provide additional employment floor space is considered acceptable on land use grounds. The application proposes unfettered B1(a) floorspace, however, it is not considered appropriate to include non B1(a) floorspace, as the application is a rear extension to an established B1(a) use, and because the new floorspace would form part of an enlarged use that would use the same access and circulation routes as the existing floorspace. Policy BC8 (I) requires the new business floorspace to be designed to allow for future flexibility. The floorspace shown is open plan and therefore is considered to allow for future flexibility in accordance with policy.
- 10.4 Policy BC8 (B) requires the provision of micro and/or affordable workspace or retail space to be provided for major office development. However, the new floorspace does not meet the 10,000 square metre threshold and therefore this element of the policy is not applicable.

### **Design Impact of the development on the Character of the Area**

- 10.5 The application site is located within a predominantly commercial area and is not located within a conservation area. Policy DM 2.1 of the DM Policies requires all new development to be of a high quality to respect and respond positively to existing buildings, the streetscape and wider context. Sections 2.2 and 2.3 of the Islington Urban Design Guide provide general principles for the consideration of design, confirming that new development should harmonise with their setting and existing built form, while also enhancing and complementing the local
- 10.6 The proposed five storey extension would be built up against the side elevation of 11 to 21 Paul Street, and would project 2 metres above the roof of this building. Given the limited projection above this building, and the narrow width of Paul Street, it is not considered that the extension would be visible from Paul Street to the east of the property, including within long views further from the north and south. The proposed rear extension would, however be visible from a range of private viewpoints within the courtyard to the rear of the property, including windows at 16-22 Epworth Street, the Dolcezza café and the development at Paul Street. As these views are private, the impact of the rear extension on the character and appearance of the area would be limited, and for the reasons set out below the design is considered to be acceptable.
- 10.7 Section 3.2.1 of Islington Urban Design Guide supports the perimeter block arrangement with consistent building lines at the front and rear. The building lines that define the courtyard to the rear of the site are relatively weak with the depths of the building varying significantly, and as a result, the proposed form and massing would not erode a uniform perimeter block arrangement, and is considered to be appropriate, and in accordance with policy DM 2.1 (vii) which requires buildings to respect and respond to existing buildings and locally distinctive patterns of the development. The proposed rear extension is part width at upper floor level, and terminates two storeys below the top of the property. As a result, the proposed extension is considered to be

subordinate to the existing property, and therefore is considered to be acceptable in terms of its scale and massing.

- 10.8 The rear courtyard has a utilitarian character characterised by areas of curtain walling, blank facades, building plant and a large metal staircase at the application site. Within the rear courtyard there is little uniformity to the buildings in terms of their age, detailed design or materials used. The proposed extension includes matching aluminium window with white render, and this design is considered to be appropriate to its context although it is acknowledged that the building does not match the treatment of the existing rear façade.
- 10.9 The application also proposes to alter the ground floor of the property to provide a new access to the basement and ground floor level. This is a minor change that involves inserting a door to part of the façade at ground floor level that comprises a window, and as such is considered to be acceptable on design grounds. The application also proposes to move existing plant to the roof of the property, and to enclose this within an acoustic enclosure. Due to the height of the building, and the location of the plant within the centre of the roof, it is not considered that the plant or associated acoustic enclosure would be visible from street level. As such, this would not lead to any adverse impact on the character and appearance of the area. The application does not propose to alter the existing lift over run which provides access to the roof.
- 10.10 The proposed design is therefore considered to be acceptable because the scale, massing and detailed design of the rear extension is acceptable, because of the minor nature of the alteration to the existing façade at ground floor level and because the new roof level plant will not be visible from views along the street, and therefore it is in accordance with policy DM 2.1 of the Development Management Policies 2013 and the principles of the Urban Design Guide SPD. Design and Conservation officers have not objected on design grounds due to the location of the extension at the rear of the property which limits public views of the extension.

### **Impact of the Proposed Development on the Amenity of Neighbouring Properties**

- 10.11 Policy DM 2.1 aims to protect the amenity of residential properties from overlooking, loss of daylight and sunlight, over dominance, sense of enclosure and outlook. This policy is full in compliance with the NPPF, which seeks to provide a good standard of amenity for all current and future occupiers of the land.

#### **Loss of Daylight and Sunlight**

- 10.12 The proposed rear extension would be in close proximity to a number of commercial uses and a single residential use, at 24 Epworth Street, and the application is supported by a daylight and sunlight report which considers the possible impact on these properties. The report assesses the impact of the proposed rear extension and removal of the existing fire access to all of the properties that enclose the courtyard to the rear of the site, including, the Dolcezza coffee shop, 16-22 Epworth Street, the residential flats at 24 Epworth Street, 35 Paul Street, 23 Paul Street and 21 Paul Street.
- 10.13 The proposed development, including the removal of the existing fire escape, increases the amount of daylight received by the windows on the adjacent property to the west at 15 Bonhill Street and 16-22 Epworth Street. This is because the proposed removal of the existing metal fire escape to the rear of the site would outweigh any loss of light from the proposed extensions, because the fire escape is closer to these buildings than the proposed extension and because the fire escape extends to the seventh floor. The VSC reduction to windows at 24 Epworth Street, which is the only residential use affected by the proposed rear extension, is within the BRE



criteria as the daylight reduction is only 0.99 times its previous figure. There is no reduction to the daylight received by 35 Paul Street.

- 10.14 The daylight report submitted finds VSC reductions to a glazed door within the Dolcezza coffee shop, which is at ground floor level between the application site and 16-22 Epworth Street and first and second floor windows at 23 Paul Street, a bar/night club to the north-east of the application site that is greater than allowed by the BRE criteria. The reduction to window W2 of the Dolcezza coffee shop experiences a reduction to 0.63 times its previous figure. The second and third floor windows at 23 Paul Street experience reductions to 0.76 and 0.74 times their previous figure.
- 10.15 However, the report also tests the Daylight Skylight Component impact, and finds that the daylight penetration into these properties would still be in accordance with the relevant Daylight Skylight Component criteria, which assesses the amount of daylight that would penetrate into a particular building. In assessing the impact on the amenity of both properties it should be noted that the buildings are used as a coffee shop and bar/nightclub respectively, and section 2.2.2 of the BRE guidance confirms that the BRE criteria should be applied to non-domestic buildings where the occupants have a reasonable expectation of daylight. The two uses do not fall into any of the categories of non-domestic uses where there is a reasonable expectation of daylight, and therefore the loss of daylight to these spaces would not lead to any planning harm.
- 10.16 The impact on direct sunlight is also considered to be acceptable. 17 windows within 16-22 Epworth Street experience a reduction in winter sunlight measured through the Available Sunlight Hours measure in excess of the BRE guidance. However, in each case the existing level of winter daylight is very low, with the existing winter daylight figure not exceeding 5%. One opening within the Dolcezza coffee shop also experiences a reduction in winter sunlight in excess of that allowed by the BRE criteria. In assessing the planning harm caused by these reductions it should be borne in mind that section 2.2.2 of the BRE Guidance specifies that sun lighting testing is only required for commercial spaces that have a special requirement for sunlight. It is not considered that the affected windows which serve an office and coffee shop have any special requirement for sunlight, as these uses generally benefit from artificial lighting in any event. There is no reduction in daylight to 24 Epworth Street, the only residential use in close proximity of the proposed rear extension.
- 10.17 Finally, the application has tested the loss of daylight to two amenity spaces, including a fourth floor rear roof terrace to the rear of 21 Paul Street and the seating area adjacent to the Dolcezza coffee shop. In both instances the testing found that these spaces currently receive no direct sunlight and therefore the impact is acceptable.
- 10.18 Overall, the loss of daylight and sunlight identified by the submitted report is considered to be acceptable in planning terms. The daylight and sunlight impact on the only residential use in close proximity of the rear extension, at 24 Epworth Street, is within the BRE criteria. Any losses of daylight or sunlight in excess of the BRE criteria relate to uses which do not require significant levels of daylight and sunlight, and the BRE Guidance confirms that the daylight and sunlight criteria should not be applied in these cases. The impact on the sunlight and daylight received by neighbouring properties is therefore in accordance with policy DM 2.1 of the DM Policies 2013.

#### Loss of Outlook

- 10.19 The impact of the proposed development on the outlook of neighbouring properties is also considered to be acceptable. There would be no loss of outlook to the residential windows at 24 Epworth Street, as the only windows on this property facing toward the proposed rear extension serve circulation spaces.

- 10.20 The proposed extension would impact on the outlook from the windows on the eastern elevation of the properties at 15 Bonhill Street, which is an office building to the west of the site. While the extension would somewhat reduce the spaciousness of the outlook in this direction, as the east facing windows on the middle wing of the building are situated approximately 9 metres away from the western boundary of the application site. However, the resultant loss of outlook would be acceptable as the new extension would be viewed against the backdrop of the existing development at Paul Street. The impact on the outlook from the windows on the eastern façade of 16-22 Epworth Street would also benefit from the removal of the existing fire access.
- 10.21 The proposed rear extension would also give rise to an impact on the rear windows at first and second floor of 23 Paul Street, which serves a bar/night club, particularly on the two windows closest to the proposed rear extension. However, a bar/night club is not considered to be sensitive to the loss of outlook, and as such this would not give rise to any harm in planning terms.
- 10.22 The proposed extension would give rise to a significant loss of outlook to an existing amenity space that serves 21 Paul Street, an office building to the east of the site, as it would be constructed on the boundary and would project 7 metres to the rear façade of the existing building. However, this amenity space is currently in use as an ad hoc seating/break area that serves the office/data centre at 21 Paul Street. As a result, it is not considered that the loss of outlook to this space would give rise to any material harm in planning terms.

#### Loss of Privacy

- 10.23 The rear facades that enclose the courtyard to the rear of the site are already subject to extensive overlooking from the large windows on the facades of 16-22 Epworth Street and 14 Bonhill Street, which gives rise to extensive view between properties. While the proposed extension would increase the intensity of these views from the application site, as the windows would be closer to the windows at 14 Bonhill Street, this would impact only on commercial uses which do not have a specific requirement for privacy. No adverse privacy impact would occur to the residential flats at 24 Epworth Street as these properties do not have windows on their southern façade facing the application building.

#### Noise from New A/C Plant at Roof Level

- 10.24 The application proposes to remove the existing air conditioning plant that is located at the rear of 14 Bonhill Street at first floor level and install new air conditioning plant to the roof of the building at eight floor level. The application is supported by an acoustic report that assesses the noise emissions from the air conditioning units.
- 10.25 The Council's Acoustic Officer has confirmed that noise emissions from the air conditioning plant at roof level would be acceptable, subject to a condition being imposed controlling noise emissions, and requiring a further report being submitted prior to the commencement of development. An objection has been received from a resident of 24 Epworth Street which concerns possible noise emissions from the plant at roof level, but it is considered that the conditions proposed would be sufficient to ensure no adverse impact on neighbours, including the residential at 24 Epworth Street. In addition, this element of the application has been approved under application: P2016/3398/FUL.

#### Impact on the Ongoing Function of the Data Centre at 21 Paul Street

- 10.26 The application site is located in close proximity to a data centre situated at 21 Paul Street, and the data centre relies on cooling plant situated within the courtyard area to the north of the application site bounded by the development at Paul Street, Epworth Street and Bonhill Street (including the application site at 14 Bonhill Street), and 15 Bonhill Street which is building with

frontages to Bonhill Street and Epworth Street connected by a central wing. The data centre is a tier 3 data centre that requires the ability to manage maintenance so that there is no downtime, and be operational to 99.982% of each year (which equates to no more than 94 minutes of non-operational time per year).

- 10.27 The NPPF confirms that the planning system should contribute to and enhance the natural and local environment by: 'preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution'. Similarly policy 7.15 of the London Plan requires Council to manage noise to improve health and quality of life through the planning system.
- 10.28 Policy CS 10 of the Core Strategy confirms that the Council will seek to minimise Islington's contribution to climate change and ensure the borough develops in a way which respects environmental limits and improves quality of life. Policy DM 7.5 of the DM policies 2013 require all developments to maximise the incorporation of passive design measures to control heat gain and to deliver passive cooling, following the sequential cooling hierarchy. Policy DM 6.1 promotes healthy developments and aims to reduce environmental stresses. Part G of the policy relates to noise sensitive development, and confirms the noise sensitive developments should be adequately separated from major sources of noise.
- 10.29 An objection has been received from Iomart Plc, who objected on the grounds that the proposed envelope of the building will reduce the volume of the courtyard by over 1,400 cubic metres, and that this will constrain the capability for air to be dissipated effectively, and therefore cause an increase in heat within the courtyard. This increase in heat (predicted to be approximately 1 degree C through computational fluid dynamic modelling) would require the existing cooling plant to work harder, which would increase energy usage and noise emissions by neighbours. The increase in temperature would likely give rise to a +2 dB increase in noise emissions to neighbours. Any increase in noise emissions is significant, because the site is in close proximity to a sensitive residential façade associated with the residential units at 24 Epworth Street, and because there have been historical noise complaints from this property. For the avoidance of doubt, the impact of a development on the function of an adjacent use is a material planning consideration, and therefore the possible impacts on the Iomart Data Centre need to be considered as a result of the application, despite the fact that the data centre is not directly subject of the application.
- 10.30 The applicant has been provided with copies of the reports submitted by the objector, and has submitted additional information including a further acoustic report. The applicant has not disputed the Computational Fluid Dynamic modelling submitted by the objector, but submitted an amended acoustic report that states that even if the worst case scenario of a one degree increase in temperature occurred as a result of the loss of air volume, this would not lead to a significant increase in noise emissions to neighbours. The applicant has also referred to the proposed relocation of the existing A/C plant from the rear of the building to the roof, as a factor that needs to be taken into account when assessing the noise impact, as this will reduce noise emissions to neighbours.
- 10.31 The Council's Acoustic Officer has reviewed the information submitted by the objector and applicant, and has confirmed that the situation is sensitive given the history of noise complaints from residents at 24 Epworth Street regarding the cooling plant that serves the data centre. It is noted that the objector has based their case on a worst case scenario within their associated reports, both in terms of the increase in air temperature caused by the construction of the extension and in terms of the increase in noise emissions from the cooling plant that would result from the increase in temperature. Given that the extension itself would also contribute to the increase in noise emissions by increasing noise reflections back toward 24 Epworth Street, the

acoustic officer has confirmed that the worst case scenario would be a 3.1 dB increase, with a 2dB average increase and minimum 1 dB increase at lower temperatures.

- 10.32 The Acoustic Officer has also noted that while 3dB is usually considered to be the minimum discernible increase, in this case the site is particularly sensitive and therefore a lower increase may give rise to complaints from 24 Epworth Street. Therefore, the Acoustic Officer has concluded that the resultant increase in noise emissions would be acceptable, subject to a condition requiring the developer to submit a noise impact report comprising noise mitigation measures. This condition was suggested by the objector, has not been agreed with the applicant, who maintains that the reports submitted are sufficient to demonstrate that there would be no adverse impact and therefore the condition is not necessary. However, legal advice has been received that confirms that this condition meets the six tests and relevant case law, and therefore it is recommended that it is imposed. Without this condition the scheme may give rise to unacceptable impact on the amenity of neighbouring properties through noise emissions.
- 10.33 In addition to the above issues regarding increase noise emission, the objector has made reference to other possible impacts on their business, including through increased energy requirements, possible impacts on business continuity and construction impacts. While it is acknowledged that the objections submitted suggests that an increase in energy uses may occur, it is not considered that the level of energy usage would be sufficient to form a reason for refusal. Possible impacts on business continuity are also considered to be acceptable, given the advice that noise emissions would likely be within an acceptable range (subject to further mitigation).
- 10.34 The objector has also referred specifically to impacts during the construction phase, particularly through dust and vibration impacts. Although some construction impacts are unavoidable, it is considered that the impacts could be kept to a sufficient level by requiring the applicant to agree a construction management plan prior to the commencement of development.
- 10.35 As a result of the above, the impact on the ongoing function of the data centre, including in terms through possible increased noise emissions to neighbours, is considered to be acceptable subject to conditions.

### **Sustainability**

- 10.36 Policy DM 7.1 of the DM Policies requires commercial extensions over 100 square metres to be accompanied by a Sustainable Design and Construction Statement that clearly sets out how the application complies with relevant sustainable design and construction policies and guidance. Policy DM 7.4 G requires non-residential extensions of 100 square metres or greater to demonstrate how they would achieve all credits for water efficiency in the relevant BREEAM Scheme. A sustainable design and construction statement has been submitted, which specifies means to achieve sustainable design including fabric performance, air tightness and the use of sustainable materials. The statement also includes details of low flow taps and dual flush toilets, to meet the relevant water efficiency requirement.

### **Other Matters**

- 10.37 The application proposes to remove the existing fire escape from the rear of the site to facilitate the construction of the new extension. It is acknowledged that this will affect the compliance of the building with relevant fire regulation, but the compliance with relevant fire safety criteria will be assessed under the Building Regulations. Therefore, this issue cannot be given weight as part of the planning determination.

## **11. SUMMARY AND CONCLUSION**

## **Summary**

- 11.1 The proposed extension to the existing office use is considered to be acceptable in land use terms given the location of the site and the relevant policies within the Finsbury Local Plan, which support new office development in this area. The design of the proposed extension is also considered to be acceptable given the location of the extension at the rear of the site and the character of this space.
- 11.2 The impact of the proposed extension on the amenity of neighbouring properties is also considered to be acceptable in terms of the loss of privacy, daylight, sunlight and outlook as a result of the new extension and as a result of noise emissions from the new plant proposed to the roof of the building.
- 11.3 The impact of the proposed extension on the ongoing function of the adjacent data centre is also considered to be acceptable subject to the conditions imposed, which ensure that the reduction in the amount of ventilation space does not lead to any significant increase in noise emission to neighbouring residents.

## **Conclusion**

- 11.4 It is recommended that planning permission be granted subject to conditions and as set out in Appendix 1 – RECOMMENDATION A.

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

That the grant of Full Planning be subject to **conditions** to secure the following:

#### List of Conditions:

	<b>3 Year Consent</b>
1	<p>3 YEAR CONSENT PERIOD: 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>
	<b>Approved Plan List</b>
2	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>[Daylight and Sunlight Report project ref 21BHS, Planning, Design and Access Statement May 2016, Acoustic Design Review ref: 160914-002A dated 28/09/2016, Acoustic Assessment of proposed mechanical Equipment at 14 Bonhill Street 160418-002A, Sustainable Design and Construction Statement, 517-PA. 15, 517-EX.01, 517-PA.01, 517-PA.02, 517-Pa.03, 517-PA.04, 517-PA.05, 517.PA.06, 517.PA.07, 517.PA.08, 517-PA.09, 517-PA.10, 517-PA.11, 517-PA.12, 517-PA.13, 517.PA.14, 517.EX.02, 517.EX.03, 517.EX.04, 517-EX.05, 517-EX.06, 517.EX.07, 517.EX.08, 517.EX.09, 517-EX.10, 517.EX.11, 517.EX.15, 517.EX.16, 517.EX.12, 517.EX.13, 517.EX.14, ]</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
	<b>Noise Condition</b>
3	<p>CONDITION: “The development hereby permitted shall not commence until a noise impact report, prepared by an appropriately experienced and competent person, which assesses the direct and indirect noise impact of the proposed development (including for the avoidance of doubt noise from the datacentre at 16-22 Epworth Street, London EC2A 4DN resulting from the proposed development) on nearby sensitive receptors and identifies any necessary mitigation measures, has been submitted to and approved in writing by the Local Planning Authority (after consultation with the operators of the datacentre). Any noise mitigation measures identified in the report shall be installed and made fully operational prior to the occupation of the extension. The mitigation measures shall be permanently retained thereafter.”</p> <p>REASON: In order to protect the amenity of neighbouring properties.</p>
	<b>Noise Validation Report</b>
4	<p>CONDITION: Within three months of occupation of the development hereby permitted, an acoustic validation report, prepared by an appropriately experienced and competent person, which assesses the effectiveness of the mitigation measures referred to in condition 3 and, where the measures are not effective, recommends further mitigation measures, shall be submitted to and approved in writing by the Local Planning Authority (after consultation with the operators of the datacentre). Any further mitigation measures identified in the acoustic validation report shall be installed and permanently retained thereafter within one month of approval.</p>

	REASON: In order to protect the amenity of neighbouring properties.
	<b>Acoustic Condition A/C Plant</b>
5	<p>The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level <math>L_{Aeq Tr}</math> 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 5dB(A) below the background noise level <math>L_{AF90 Tbg}</math>. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014</p> <p>REASON: In order to protect the amenity of neighbouring properties.</p>
	<b>Validation Report A/C Plant</b>
6	<p>A report is to be commissioned by the applicant, using an appropriately experienced &amp; competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 5 . The report shall be submitted to and approved in writing by the Local Planning Authority and any noise mitigation measures shall be installed before first use of the extension hereby permitted and permanently retained thereafter</p> <p>REASON: In order to protect the amenity of neighbouring properties.</p>
	<b>A/C Timer Condition</b>
7	<p>Prior to the hereby approved plant equipment being used, a timer shall be installed limiting the operation of the condenser units and extract fan to between the hours of 07:00 to 19:00 each day only. The plant shall not be operated outside of these hours. The timer shall be maintained as such thereafter.”</p> <p>REASON: In order to protect the amenity of neighbouring properties.</p>
	<b>Construction Management Plan</b>
8	<p>CONDITION: No development (including demolition works) shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ol style="list-style-type: none"> <li>i. the parking of vehicles of site operatives and visitors</li> <li>ii. loading and unloading of plant and materials</li> <li>iii. storage of plant and materials used in constructing the development</li> <li>iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</li> <li>v. wheel washing facilities</li> <li>vi. measures to control the emission of dust, dirt and vibration during construction</li> <li>vii. a scheme for recycling/disposing of waste resulting from demolition and construction works</li> </ol> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.</p>
	<b>Materials Compliance</b>
9	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the plans and within the Design and Access Statement. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the</p>

	resulting appearance and construction of the development is of a high standard.
	<b>Acoustic Enclosure</b>
10	<p>CONDITION: The acoustic enclosure shown on the approved plans shall be installed prior to the first use of the roof plant hereby approved, and shall be retained as such in perpetuity.</p> <p>REASON: In order to protect the amenity of neighbouring properties.</p>

**List of Informatives:**

<b>1</b>	<b>Positive Statement</b>
	<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.</p> <p>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision in accordance with the requirements of the NPPF.</p>
<b>2</b>	<b>INFORMATIVE: HOURS OF CONSTRUCTION</b>
	<p>INFORMATIVE: The applicant is advised that the accepted working hours for development within the borough are:</p> <p>08.00am - 6.00pm on Mondays to Fridays, 9.00am - 1.00pm on Saturdays and not at all on Sundays and Bank Holidays.</p>



## **APPENDIX 2: RELEVANT POLICIES**

This appendix lists all relevant development plan policies 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.

The NPPG is also a material consideration in the determination of this application.

### **2. Development Plan**

The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

#### **A) The London Plan (2016)**

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

Policy 7.2 An inclusive environment  
Policy 7.4 Local character  
Policy 7.6 Architecture  
Policy 7.15 Reducing and Managing Noise

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

##### **Spatial Strategy**

Policy CS 7- Bunhill and Clerkenwell  
Policy CS 10 - Sustainable Design  
Policy CS13 - Employment Space

#### **C) Development Management Policies (2013)**

**DM 2.1** Design  
**DM2.2** Inclusive Design  
**DM 5.1** New business floorspace  
**DM5.4** Size and affordability of workspace  
**DM 6.1** Healthy Development  
**DM7.1** Sustainable design and construction  
**DM7.2** Energy efficiency and carbon reduction in minor schemes  
**DM7.4** Sustainable Design Standards  
**DM 7.5** Heating and Cooling

#### **D) Finsbury Local Plan (2013)**

Bunhill & Clerkenwell Key Area  
BC 8 Achieving a balanced mix of uses

**3. Designations**

- None

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

The following SPGs and/or SPDs are relevant:

Urban Design Guide (2017)

Environmental Design SPD