

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration Department



PLANNING SUB-COMMITTEE A	AGENDA ITEM NO: B1
Date: 11 th February 2019	Non-exempt

Application number	P2018/2532/FUL
Application type	Full Planning (Council's Own)
Ward	Clerkenwell
Listed building	Unlisted
Conservation area	Not in conservation Area/adjoins Northampton Square and Clerkenwell Green Conservation areas.
Development Plan Context	Central Activities Zone, iCycle Routes (Major), iFinsbury Local Plan Area, iMayors Protected Vistas, iArticle 4 Direction A1-A2, iArticle 4 Direction B1 to C3
Licensing Implications	None
Site Address	11 Emberton Court Tompion Street London, EC1V 0EP
Proposal	Installation of a 38.8 metre flue ventilation along the northern side elevation of Emberton Court within the Brunswick Close Estate facing onto Tompion Street and associated new plant machinery within the existing ground floor redundant plantroom and associated alterations.

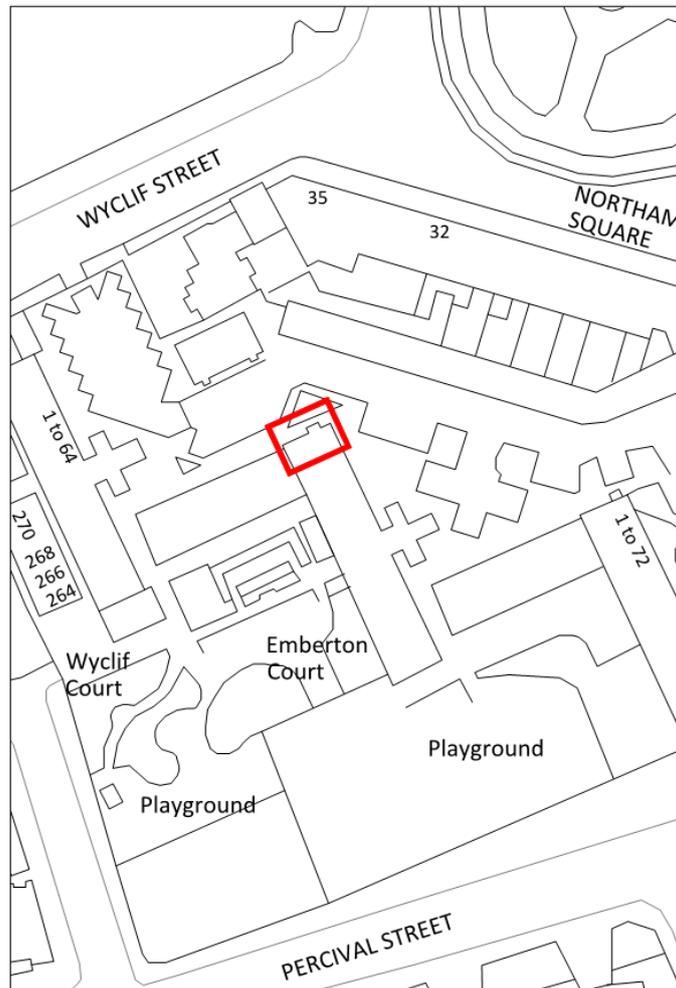
Case Officer	Sissi Yang
Applicant	London Borough of Islington
Agent	Alternative Heat - Mr Edwin Ervine

1. RECOMMENDATION

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

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

2. SITE PLAN (site outlined in red)



Site plan with surrounding Grade II Listed buildings highlighted in green.

3. PHOTOS OF SITE/SURROUNDING

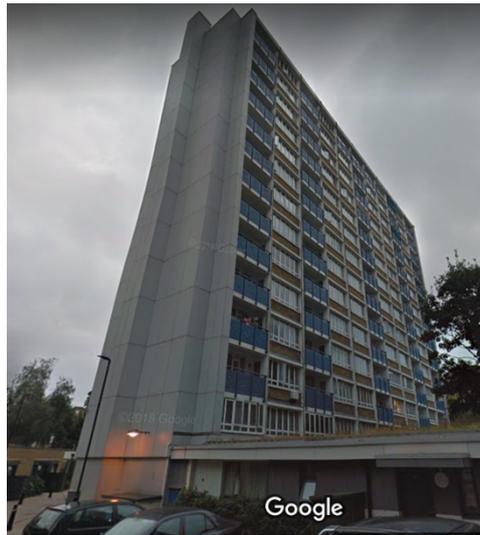


Image 1: Google Street view side elevation (facing north) of Emberton Court from Tompion Street.

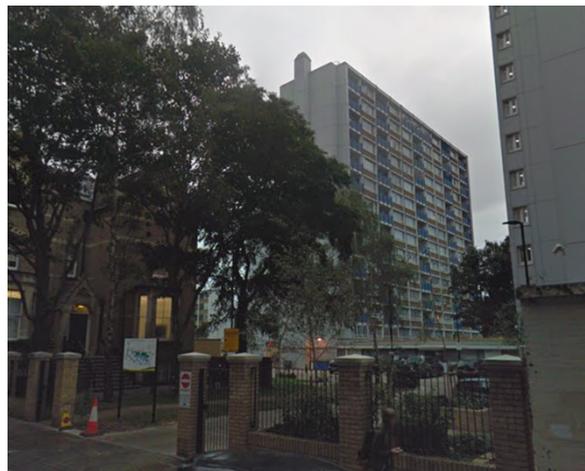


Image 2: view side elevation (facing north) of Emberton Court from Wycliffe Street



Image 3: View of Emberton Court and wider Brunswick Estate from Northampton Square.



Image 4: View of wider Brunswick Estate from St John Street.

4. BACKGROUND

- 4.1 There is an existing redundant centralised plantroom on the ground floor of the Emberton Court which supplied district heating and domestic hot water supply to the e four blocks contained within the wider Brunswick estate notably Emberton Court, Wycliffe Court, Brunswick Court and Mulberry Court. The centralised plant room contains the original 4 boilers which are no longer operational and has resulted in the estate receiving their hot water and heating needs from a connection to the district heating system. The proposed development seeks to make the plantroom and boilers operational again to facilitate district heating the domestic hot water supply to 268 residential properties on Brunswick Close Estate.
- 4.2 Consequently, the system requires for a new boiler system to be installed that will be a permanent to provide a continuous energy efficient operation and is economically viable against the current temporary setup.
- 4.3 A new flue ventilation shaft will need to be installed along the side elevation of Emberton Court beside an existing covered chimney feature with the new boiler system. Prior to submission a number of possible solutions have been explored to meet the ventilation and flue needs of the new heating system. The following three options have been considered:
- Re-use the existing chimney stack would minimise requirement for external flue and thus minimise the external aesthetics. However, it will not meet the operational requirements; it would be a difficult process; and it would lead to environmental health concerns and structural damage to the existing stack or adjacent properties.

- Install a new flue dilution system would avoid a vertical chimney/flue stack to run high level above the roof. However, the district heating plantroom has limited space for a new flue dilution system. It would also cause environmental health issues and significant cost implications.
- Install a new external flue system on the external façade. The flue will be fixed to the façade with support brackets every 2 metres, minimising any interference with the existing structure. The flue terminating at roof level will also remove any issues with noise levels on the site. The flue can be installed as standard stainless steel finish or to achieve complete integration with the existing building facade a specified powder coated paint finish can be applied.
- Alternative to this installing the flue with a cladded box surrounding could be provided, however this can lead to the following issues. The installation of the cladded box surround would require significant support frames and fixings to the existing façade which causes added interference with the existing structure. On covering up of the flue with a cladded surrounding will also impose gas safety and building regulations. These regulations will require access panels / hatches to be installed to enable inspection of each flue joint which will have to be located at every metre for which in result may impede with the aesthetic finish that is pursued to be achieved.

4.4 In final review of the options available, re-using the existing chimney is considered to be a difficult process that requires walls openings for installation purposes and remedial works that implements issues on health & safety, gas safe regulations, building regulations, structural integrity and architectural aesthetics, therefore it would not be perceived as a suitable option. Installing a new flue dilution system cannot occur due to limited space available onsite and with additional issues that can arise regarding public health & safety and environmental health, so this is realised as not a viable solution.

4.5 Overall in terms of health & safety, environmental health, structural integrity, future service and maintenance, mechanical operation, and architectural aesthetics, installing the external flue exposed with an appropriate selected flue finish would be perceived as the most suitable option. To further assist with this option, a fan assisted flue can be installed in this scheme that will reduce the 600mm diameter flue current proposed within the existing application, to 450mm diameter to mitigate visual impact.

5. SITE AND SURROUNDING

5.1 The application site concerns Emberton Court, a 14 storey tower block located within the Brunswick Close Estate, the tower itself is constructed with external concrete grey wall with enclosed balconies at the west and east elevations.

5.2 Brunswick Close Estate includes the following buildings:

- Emberton Court
- Wycliffe Court
- Brunswick Court
- Mulberry Court

- 5.3 Emberton Court is not listed nor within a Conservation Area. However, the site itself adjoins within 50 metres of two separate conservation areas notably Clerkenwell Green to the south and Northampton Square CA to the north/north east. There are also several Grade II Listed buildings facing onto the site along Northampton Square itself with views of the Brunswick Estate visible from the rear of these properties and Northampton Square itself.

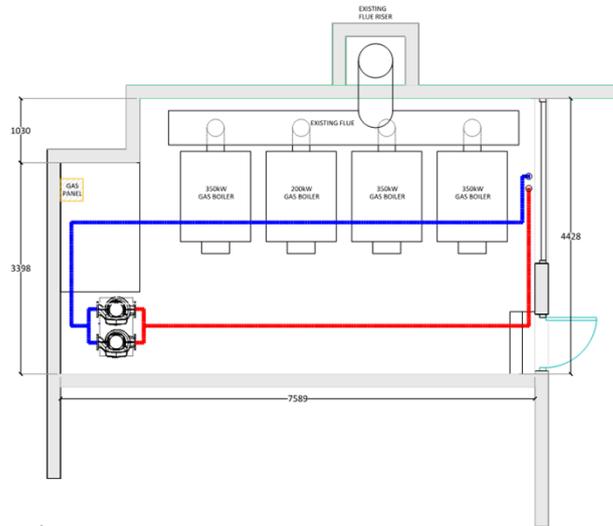


Site plan with surrounding Grade II Listed buildings highlighted in green.

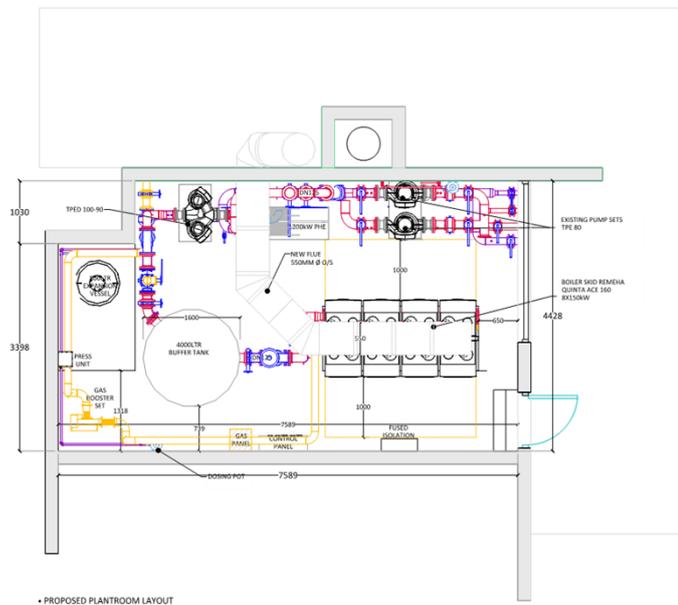
- 5.4 However, the height of the building and proposed works on the north-side elevation would be visible from the surrounding areas towards the north (Wycliffe Street and Tompion Street) as indicated in the above images. The site is also in proximity with Grade II Listed Buildings to its north. Therefore, the development needs to carefully consider the potential adverse impacts of the development in visual terms on the both the setting of adjoining statutorily listed buildings and the wider setting of both adjoining conservation areas.

6. PROPOSAL (IN DETAIL)

- 6.1 This application sought for installation of flue ventilation extract system rising to a height of 38.8 metres along the northern side elevation of Emberton Court facing onto Tompion Street. The proposal also includes new plant and boiler system equipment to be installed in the existing redundant plant room at ground floor level.



Existing plant room layout



Proposed plant room layout

7. RELEVANT HISTORY:

7.1 none

8. CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of 215 adjoining and nearby properties and were consulted on the proposal. Site notice was displayed on 13th September 2018. The public consultation of the application therefore expired on 7th

October 2018, however it is the Council's practice to continue to consider representations made up until the date of a decision.

- 8.2 At the time of the writing of this report a total of no responses had been received from the public with regard to the application.

Internal Consultees

- 8.3 Design and Conservation: The proposed pipe work would disrupt the considered composition of the building's elevations and would cause visual harm to the surrounding Listed Buildings. Alternative design solution might be possible to mitigate visual impact include minor extension to the building to cover the boiler and flue systems and pipe work.
- 8.4 Noise: The boiler appears to be compliant with the boiler emission standards in the GLA's SPG on Sustainable design and has a flue extending all the way up the side of the building to roof level. From a noise point of view, there are introducing a new sound source in the plant room, with a quoted sound power level of 68dB. It is not known what the noise levels of the existing boilers and any other equipment is currently or the separating insulation between the plant room and the residential above. There are no complaints listed about the current system on M3. The following condition is advised to minimise the impact for existing residents: "Prior to the operation of the plant hereby approved sound insulation shall be installed to the plant room sufficient to ensure that the noise level within any nearby residential flats does not exceed NR20(Leq)."

9. RELEVANT POLICIES

Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following development plan documents.

National Guidance

- 9.1 The National Planning Policy Framework 2018 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.
- 3.2 Islington Council (Planning Sub-Committee A), in determining the planning application has the following main statutory duties to perform:
- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
 - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)

- As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).
- National Planning Policy Framework (NPPF) (2018): Paragraph 11 states: “at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay..
- At paragraph 8 the NPPF (2018) states: “that sustainable development has an economic, social and environmental role”.
- The updated National Planning Policy Framework 2018 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.
- Since March 2014 Planning Practice Guidance for England has been published online. In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
 - Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
 - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- Members of the Planning Sub-Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment,

victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following development plan documents.

Development Plan

The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and the Finsbury Local Plan 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Adjoins Clerkenwell Green and Northampton Square Conservation Areas
- Adjoins several Grade II listed buildings.

Supplementary Planning Guidance (SPG) / Document (SPD)

The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

10. ASSESSMENT

Design, character and appearance and visual impact on adjoining designated heritage assets.

- 10.1 The boiler and flue system would be located at side elevation of the property to north side. It would be 38.8m in height from ground floor level and terminate 2 metres from above the building. There will be protective cage around base of the flue at ground floor level and the pipe work will be powder coated to match existing cladding panels. It is accepted that due to the prominence of the existing building as built that any new flue to the scale proposed will be visible from a number of sensitive viewpoints from within and outside both the adjoining Conservation Areas, Northampton Square itself and the rear of adjoining Grade II listed buildings.
- 10.2 It is important however in officer's view to assess the existing dominance and visual appearance of the Brunswick Estate and Emberton Court from these sensitive viewpoints. The existing buildings dominate these views from varying angles and have an established presence in the area and form a long established view within these designated assets.
- 10.3 It is considered that the proposed flue would cause limited visual harm when seen within the existing high rise and dense built form of the Brunswick Estate and Emberton Court itself. The visibility of the flue would be noticeable but limited in scope bearing in mind the context.

- 10.4 The NPPF is clear that where a development causes less than substantial harm that any visual harm should be carefully assessed against public benefits to assess the overall acceptability of a proposal.
- 10.5 Conservation objections state that the visual appearance of the development would unacceptably harm the setting of the adjoining Grade II Listed Buildings and adjoining Conservation areas. Officers consider there to be some limited visual harm related to the proposed flue in this case although to a limited degree and clearly less than substantial harm for the purposes of the guidance contained within the NPPF.
- 10.6 The development would also result in clear public benefits to over 268 residents within the wider Brunswick estate through the form of more efficient hot water and space heating helping to reduce Co2 emissions while also helping to alleviate fuel poverty issues within the wider estate. These benefits are clear and are considered to materially outweigh the less than substantial visual harm the proposed development would cause in this case in visual terms in this case in terms of its visual appearance and viewpoints from short and longer views from within the adjoining conservation areas and the overall setting of the adjoining Grade II listed buildings.



EXISTING EXTERNAL VIEW OF BUILDING



Image 5: Visualisation of exposed flue installation on Emberton Court

Aspects of other alternative solutions

- 10.7 According to the submitted supporting Design Statement, re-use of the existing chimney stack was considered would minimise requirement for external flue and thus minimise the external aesthetics. However, it will not meet the operational requirements; it would be a difficult process; and it would lead to environmental health concerns and structural damage to the existing stack or adjacent properties. Design Statement stated that “the chimney being an existing structure would provide limited access that does not allow sufficient checks that all flue joints are appropriately connected and sealed to ensure that no flue gas leakage occurs in accordance with gas safe and building regulations. To ensure that the full flue liner is appropriately installed we would require multiple openings within the existing external chimney façade to complete appropriate checks which would be detrimental to the appearance for this listed building and within the surrounding Conservation Area. Further issues that may arise from opening the chimney structure is firstly not knowing if any asbestos is present that may lead to environmental health concerns and secondly if these openings could introduce risks with the

structural integrity of the chimney that may cause structural damage to the existing stack or adjacent properties. Further from this any openings on the chimney stack will require remedial works on the façade finish with no guarantee that the façade will be returned to its original state”.

- 10.8 Installation a new flue dilution system was also considered which would avoid a vertical chimney/flue stack to run high level above the roof. However, the district heating plantroom has limited space for a new flue dilution system. It would also cause environmental health issues. Design Statement stated that “this system requires sufficient sized motor fans for this process to work, which creates high noise outputs from the plantroom which can be exerted through the large sized wall louvres which are also essential for the operation to function which can be an issue for Environmental Health. Continuously monitoring of the CO₂ and NO_x levels would also be required to ensure that the dilution system is fully operating appropriately at all times in accordance with the Clean Air Act and Environmental Health. The NO_x levels may require additional equipment with the flue dilution system to ensure that the levels discharged at ground level are compliant with regulations. In addition to this the external discharge of the flue gas at ground level can produce large levels of condensation vapour on cold days that can become hazardous for pedestrians or drivers within car park areas as per the image shown which needs to be considered”.



Proposed external elevations

- 10.9 In accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposal hereby under consideration, special regard has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposed flue and ventilation system is considered to have a limited yet harmful impact on the surrounding streetscape character and appearance of adjoining conservation areas and the setting of adjoining Grade II listed buildings. This visual harm has been fully and carefully considered against the public benefits of the scheme and it is considered overall on balance that the public benefits of this case outweigh the less than substantial visual harm the development would cause in this case.

Noise and odour controls

- 10.10 The council's noise officer has considered the proposal and notes the immediate residential context of the site. The height of the flue above the building's roof level is considered to be acceptable and would ensure adequate dispersal of odours and excess gas and heat from the plantroom. The improved and new plant machinery and equipment in the proposed new plantroom is considered to be acceptable in amenity terms. The officer raises no overall objections subject to a detailed noise condition to be secured with any grant of permission.

Neighbouring Amenity

- 10.11 The National Planning Policy Framework identifies as a core planning principle that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings. Development Management Policy DM2.1 (part Ax) confirms that, for a development proposal to be acceptable, it is required to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook. The proposal is therefore considered not to prejudice the residential amenity of neighbouring properties in line with policy DM2.1 of the Islington Development Management Policies 2013.

Highways and Transportation

- 10.12 Policy DM8.2 seeks to ensure that development proposals are required to meet the transport needs of the development and address its transport impacts in a sustainable manner and in accordance with best practice. The proposed development is not considered to give rise to any material impacts on the existing transport needs and demands around the site in this case.

11. CONCLUSION

- 11.1 It is appreciated that the project will provide significant improvements to enhance the living conditions, and sustainability of the Brunswick Close Estate; The applicant has explored several alternatives to mitigate the visual impact of the proposed flues; However, it is considered that the proposed boiler system and flue pipe will cause some limited visual harm to the appearance of the building, streetscene and wider setting of the adjoining conservation areas and Grade II Listed Buildings.
- 11.2 Other alternative solutions were considered including re-use of the existing chimney stack, new flue dilution system and flue cladding. Unfortunately, they are considered not suitable in terms of health & safety, environmental health, structural integrity, future service and maintenance, mechanical operation. Installing the external flue exposed with an appropriate selected flue finish would be perceived as the most suitable option.
- 11.3 On balance, it is considered that the benefit of the proposed development, in relation to the improvement project of the Brunswick Close Estate, would materially outweigh the visual harm identified in the assessment above. Planning permission is recommended subject to conditions.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	3 Year Consent Period
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Planning supporting documentation CN1802 AH Z2 00 AR EL 102 00, CN1802 AH Z2 00 AR SP 102 00, CN1802 AH Z2 00 AR GA 101 00, CN1802 AH Z2 00 AR GA 102 00, CN1802 AH Z2 00 AR EL 101 00, Design Statement: Installation of New Flue at Brunswick Close Estate.</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>
3	Materials (Compliance)
	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the hereby approved plans. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter into perpetuity.</p> <p>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.</p>
4	Noise controls
	<p>CONDITION: "Prior to the operation of the plant hereby approved sound insulation shall be installed to the plant room sufficient to ensure that the noise level within any nearby residential flats does not exceed NR20(Leq)."</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter into perpetuity.</p> <p>REASON: To secure an appropriate internal residential environment.</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 2018 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

2. Development Plan

The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, 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:

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A) The London Plan 2016 - Spatial Development Strategy for Greater London

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

3 London's people

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

Policy 3.5 Quality and design of housing developments

5 London's response to climate change

Policy 5.3 Sustainable design and construction

Policy 5.9 Overheating and cooling

7 London's living places and spaces

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.4 Local character

Policy 7.6 Architecture

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

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

Policy CS10 (Sustainable Design)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

Housing

DM3.7 Noise and vibration (residential uses)

Health and open space

DM6.1 Healthy development

Energy and Environmental Standards

DM7.1 Sustainable design and construction

DM7.2 Energy efficiency and carbon reduction in minor schemes

DM7.4 Sustainable design standards

DM7.5 Heating and cooling

3. Designations

The site has the following designations under the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

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

The following SPGs and/or SPDs are relevant:

Islington UDP

- Urban Design Guide SPD
- Inclusive Design in Islington SPD
- Environmental Design SPD

London Plan

- Housing
- Sustainable Design & Construction