

PLANNING COMMITTEE REPORT

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

PLANNING SUB-COMMITTEE A		
Date:	2 nd December 2014	NON-EXEMPT

Application number	P2014/1951/FUL
Application type	Full Planning Application
Ward	St Mary's Ward
Listed building	N/A
Conservation area	Upper Street (North) Locally Listed Building
Development Plan Context	Locally Listed Building
Licensing Implications	None
Site Address	25 Canonbury Lane, London, N1 2AS
Proposal	Installation of air conditioning condenser unit to rear elevation

Case Officer	Ben Phillips
Applicant	Andrew Green
Agent	Andrew West Studio:08

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 and terrace setting.



Image 2: Front of the application site.



Image 3: Views of the 1st floor rear elevation from within the rear section of the existing pub.

4.0 SUMMARY

- 4.1 The application seeks planning permission for one new air conditioning condenser unit at the rear of the building, at a first floor level, above the existing single storey rear projection.
- 4.2 Subject to conditions relating to noise, the conditioner will not have an impact upon the amenities of neighbouring properties.

5.0 SITE AND SUROUNDINGS

- 5.1 The application site is situated along 25 Canonbury Lane, close to the junction with Upper Street and located within the Upper Street North Conservation Area.
- 5.2. The application site, a public house on the ground floor ('the Four Sisters') and basement, with residential accommodation above. The neighbouring properties have ground floor commercial units with residential above.

6.0 PROPOSAL (IN DETAIL)

- 6.1 The condenser measures 970mm x 845mm x 370mm.

7.0 RELEVANT HISTORY

- 7.1 P010476 Erection of a timber and glazed roof over existing garden area. Granted with conditions. 29/4/2002
- 7.2 P2013/2673/FUL Conversion of basement level to kitchen & WC, erection of new single rear extension to include a raised and sound proofed roof. This application may affect the character and appearance of the conservation area. This application was recommended for approval with conditions at Planning Sub Committee A on the 10th December 2013. Members decided to defer the item to allow the applicants the opportunity to address the following areas as outlined within the minutes from this meeting:

During the discussion of the application the following key issues were considered:

- Concern was raised that ventilation had not been included in the application.
- The position of the chiller unit was discussed as was possible noise from it the applicant stated that the unit was currently located in a position which was the further possible point from the window of the objector.
- Resolved: That consideration of this item be deferred to enable the applicant to submit further details in relation to the location of the chiller unit.

7.3 Enforcement - E010425 roof covering, constructed to rear garden area.

7.4 Pre-application - none

8.0 CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of 35 adjoining and nearby properties on the 10/6/14, 11/7/14 and 5/8/14 (due to additional neighbours being consulted). One letter of objection has been received, along with one letter from a neighbour requesting an acoustic reading to be taken from their property.

8.2 The objection is summarised as follows:

(1). The installation of an air condensing unit to the rear of the building will add to the present noise pollution/levels around the site.

External Consultees

8.3 No external consultation required.

Internal Consultees

8.4 Acoustic Officer: There have been complaints about plant at the rear of the pub here previously, with flats located above the shops on Canonbury Lane in close proximity. The rear façade of Canonbury Lane is screened from the noise of Upper Street and has considerably lower background noise levels. The a/c unit has a quoted sound pressure level of 51dBA but it's not clear at what distance this is measured at. It's also not clear what the intended hours of use would be. Therefore the Pollution team object to the application. Any new plant would have to meet the following criteria:

“The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq Tr}$ 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 $L_{AF90 Tbg}$. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997.”

In order to comply with this the applicant should consider appropriate noise mitigation such as limiting hours of operation, setting of automatic timers, anti-vibration mounts, acoustic screening or enclosure and regular servicing and maintenance.

9.0 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.

9.1 **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.

9.2 **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 policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

9.3 **Designations**

The site has the following designations under the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013,

Upper Street (NORTH) Conservation Area.
Locally Listed

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

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

10. **ASSESSMENT**

The main issues arising from this proposal relate to the:

- Impact on the appearance of the host building and the surrounding area.
- Impact on the neighbouring residential amenity

Design and land use

10.2 The proposal seeks the erection of one air conditioning condenser to the rear of this property, sited above the existing single storey rear extension adjacent to the existing first floor bathroom.

10.3 The unit would be directly in use related to the established and lawful use of the basement and ground floor of the building as a public house. The previously deferred application was for a rear extension and creation of a kitchen area to the public house and remains undecided pending further information from the applicants for final assessment by officers. It is important to note that this application relates only to the planning merits of the proposed new air condenser unit and does not relate to any existing chillier units which may exist on site. Separate environmental controls and legislation are in place to control any evidenced noise complaints emanating from existing units in or around the application site.

- 10.4 The proposed unit is relatively minor in scale and the neighbouring ground floor commercial units also have some similar units. Whilst these do not appear to be on the first floor, it is considered that the one unit will not have a detrimental impact upon the character and appearance of the elevation or terrace.
- 10.5 The rear is not visible from any public vantage point and therefore the impact upon the wider Conservation Area is considered to be limited and acceptable.

Amenity:

- 10.6 With regard the adjoining neighbour's amenity, the Acoustic Officer states that insufficient information has been submitted relating to a lack of clarity regarding the sound pressure noise levels and intended hours of use for the plant.
- 10.7 As such the Acoustic Officer considered that a condition is necessary in order to ensure that the noise levels are appropriate for this location and will not harm the amenities of neighbouring residential properties.
- 10.8 Subject to this condition it is considered that the proposed unit will not have an unacceptable impact on residential amenity. The council's noise office recommends a series of measures ranging from limiting hours of the units operation, setting automatic timers, anti vibration mounts and an acoustic screening will need to be explored in order to ensure that the proposed unit here would be able to adhere to the noise levels stipulated within suggested condition 3.
- 10.9 Notwithstanding the above, one letter of objection has been received relating to possible noise issues. Again, subject to this condition, it is not considered that the noise implications of the unit would be unacceptable nor could noise problems not be adequately controlled via further detailed conditions and separate legislation in place to control noise nuisances adjacent to residential properties.

11.0 SUMMARY AND CONCLUSION

- 11.1 It is considered that the proposal development does not harm the character and appearance of the existing building or the residential amenities enjoyed by the occupiers of adjoining properties and is in accordance with policy DM2.1 (Design) of the Development Management Policies 2013.
- 11.2 It is recommended that planning permission is approved subject to conditions.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That the grant of planning permission be subject to conditions:

List of Conditions:

1	Commencement
	<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>F01;P32;P34;P35;P36, EX00;01;02;03;04;05;06 & Product Data Sheet FDU140VSVF</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Noise controls
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 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: 1997.”</p> <p>REASON: In order to protect the amenities of neighbouring properties</p>

List of Informatives:

1	Positive Statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in a timely manner in accordance with the requirements of the NPPF.</p>

APPENDIX 2: RELEVANT POLICIES

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning application.

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.

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:

A) The London Plan 2011 - Spatial Development Strategy for Greater London

7 London's living places and spaces
Policy 7.1 Building London's
neighbourhoods and communities
Policy 7.4 Local character

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)

C) Development Management Policies June 2013

Design and Heritage
DM2.1 Design
DM2.3 Heritage

Designations

The site has the following designations under the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013

Islington Local Plan

Locally Listed Building

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Plan

Environmental Design

Conservation Area Design Guidelines

Urban Design Guide