

PLANNING COMMITTEE REPORT

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

PLANNING SUB- COMMITTEE B		AGENDA ITEM NO:	
Date:	19 th March 2015	NON-EXEMPT	

Application number	P2014/0275/S73
Application type	Section 73 Application
Ward	St. Georges Ward
Listed Building	Not Listed
Conservation Area	Mercers Road/Tavistock Terrace Conservation Area
Licensing Implications Proposal	None
Site Address	465 Holloway Road, London N7 6LE
Proposal	Variation of condition 2 (build in accordance with approved drawings) of planning approval reference P121944. The variation relates to the plant equipment including 3 x fan condenser units and its enclosure (iron railings painted black, acoustic canopy and timber framed pitched roof with single ply membrane covering painted black, additional louvre situated directly behind railings painted black.

Case Officer	Eoin Concannon
Applicant	Sainsbury's Supermarket Ltd
Agent	Nicholas Milner

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 of application site access from Mercers Road



Image 2: Existing plant equipment including timber fenced enclosure



Image 3: Nearest residential positioned at first floor level above acoustic canopy



Image 4: View of plant enclosure from Mercers Road – timber enclosure to be replaced with black railings and louvre

4 SUMMARY

- 4.1 The application seeks to vary condition 2 (build in accordance with approved drawings) of planning approval reference P121944. The original permission granted consent for the installation of external plant at ground floor level to rear of the retail unit comprising two refrigeration condenser units and one air conditioning unit surrounding by timber screen fence and acoustic canopy granted on the 21st March 2013. The variation involves the retention of the plant equipment on site which includes 3 x fan condenser units. It would also involve the installation of new enclosure around the plant equipment comprising of railings and amendments to the acoustic canopy.
- 4.2 The main considerations of this application include the impact upon the appearance of the existing building and the surrounding area, as well as the amenity of neighbouring residential properties. The boundary treatment surrounding the plant equipment would represent an improvement from a visual perspective than the original plant equipment granted. The positioning of the site, set back from Mercers Road would mean a limited overall impact on Mercers Road/Tavistock Terrace Conservation Area.
- 4.3 Both the Pollution Control Team and Environmental Health Officer have been consulted on this application and have raised no objections. The Noise Survey submitted with the application has been examined and the Acoustic Officer is content would not lead to a detrimental impact on neighbouring residential

amenity subject to conditions. Similarly, the Environmental Health Officer has raised no concerns in regard the scheme.

- 4.4 As such it is considered that the application to vary the drawings is acceptable and is recommended for approval with conditions.

5 SITE AND SURROUNDING

- 5.1 The application site is situated on the northern side of Mercers Road at its junction with Holloway Road. The property comprises mixed use development consisting of A1 retail (Sainsbury's) on ground floor with residential units above.
- 5.2 Directly abutting the site to the North West lies Waverley Court, a residential block of flats 5 storeys in height with parking situated under the building and to the side of the building.
- 5.3 The subject site is situated next to this building and comprises an enclosed fenced area which contains plant equipment in relation to the retail unit. Access to the site is secured to the side by automated metallic gates.
- 5.4 The surrounding area is a mixture of commercial units along Holloway Road and residential along side streets and upper floors. The area is not within a Conservation Area nor is the property a listed building. To the rear, along Mercers Road exists residential terraced dwellings.

6 Proposal (in Detail)

- 6.1 The application seeks retrospective permission for retention of the existing extraction equipment in association the commercial unit together with alterations to the acoustic canopy. Permission is also sought for the redesign of the screening. Planning permission had previously been granted in 2012 (Ref. P121944) for the external plant at ground floor to rear of unit comprising two refrigeration condenser units and air conditioning unit surrounded by timber screen fence and covered by acoustic canopy.
- 6.2 The current application differs from the previously approved scheme with the air conditioning unit been omitted and already replaced with a third fan condenser unit. The acoustic canopy has been modified with a timber framed roof with single ply membrane finished in a black coat of paint situated above the acoustic canopy with a height of 3.5 metres above ground level. This canopy roof is set down 1.1 metre from the first floor windows and a pitched roof has been introduced to the design.
- 6.3 It is also proposed that the existing timber panelled fence would be replaced with iron railings with a maximum height of 2.44metres. The scheme also includes acoustic wall lining on the side walls with louvre situated directly to the rear of the railings.

- 6.4 The amendment plans also shows the repositioning of ventilation grills on the rear face of the elevation. The ventilation grill is now positioning within the existing window opening.

7. RELEVANT HISTORY

Planning Applications:

- 7.1 **P121944** Installation of external plant at ground floor to rear of unit comprising two refrigeration condenser units and air conditioning unit surrounded by timber screen fence and covered by acoustic canopy. **Granted on 15/02/13**
- 7.2 **P121943** External alterations to ground floor retail unit and forecourt, including installation of new entrance door, new means of escape door and new glazing and fascia to Holloway Road elevation; new glazing and fascia to Mercers Road elevation; installation of ventilation grill to rear elevation; and resurfacing of and installation of bollards and planters to forecourt. Plus crossover on Mercers Road and other associated external alterations' **Granted on 22/05/13.**
- 7.3 **P120785** *Change of use of part ground floor and part basement of 465 Holloway Road from office (Class B1) and restaurant (Class A3) to retail (Class A1) with creation of cross over and associated works'* was **GRANTED on 17/10/2012.**
- 7.4 **P052573** *The redevelopment of a former petrol filling station site to provide three x 2 bedroom flats and eight x 1 bedroom flats at part ground floor and basement and from first to fourth floors, a commercial use (B1) at part ground floor and basement, and a cafe (A3) use at part ground floor and basement, together with four no. car spaces'* was **GRANTED on 23/01/2006.**

Enforcement:

- 7.5 **E/2013/0388** Breach of Condition 3 of P121944 **Case remains open awaiting planning decision**

Pre-application:

- 7.6 **None**

8 CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of adjoining and nearby properties on the 18.02.14. A site notice was also displayed. Following modifications to the boundary treatment and canopy enclosure, further letter were sent to the

adjoining properties 23/06/14. Two representations were received. The representations received highlighted

- Security issues with the structure been easy to climb (10.3)
- Proximity of the condenser units to the residential units on the first floor of Waverley Court (10.8)
- Potential for fire with the timber framed pitched roof structure (10.12)
- The structure would fail to blend into the existing building and character of the area (10.2-10.5)
- The works resemble a prison (10.2-10.5)
- Concerns over chemicals as well as smoke/vapour below the residential windows (10.13)
- The noise concerns associated with the existing extract equipment (10.6-10.11)
- Smells from the equipment at early morning and throughout the day (10.10)

Internal Consultees

- 8.2 **Design & Conservation:** Acceptable - represents an improvement from the original planning permission granted. Railings to be conditioned to be coated in dark colour.
- 8.3 **Acoustic Officer:** No objection **subject to conditions**
- 8.4 **Environmental Health Commercial:** No objection on smells from existing equipment. There are no environmental health concerns with the application from chemical discharge.

External Consultees

- 8.5 **None**

9 REVELANT POLICIES

Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the relevant development plan policies and 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 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 2011, Islington Core Strategy 2011, Development Management Policies 2013. The policies of the Development Plan are considered relevant to this application and 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:

- Design: Impact on the character and appearance of existing building and the Conservation Area
- Impact on the neighbouring residential amenity
- Other issues

Design: Impact on the character and appearance of existing building and the Conservation Area

- 10.2 The proposal is a variation to previously approved scheme for plant equipment. The location of the equipment is within the same area as previously approved under application P121944. As such the principle of this equipment and its positioning are acceptable. The key determination is whether the revised equipment would have a detrimental impact on the existing buildings and the character of the area.
- 10.3 With regard the impact on the character of the area, the positioning of the fan condenser units would lie adjacent to the block of residential flats at 8 Waverly Court. The enclosure and railings would represent an improvement from the initial treatment that was granted in 2012. The existing timber fence that surrounds the equipment would be removed and replaced with black coated railings measuring approximately 2.4 metres in height. A louvre would be situated directly behind these railing and painted black and would act as a further screening measure. These amendments would improve the overall aesthetics of the proposal from what was initially granted. The railings would have a more secure design than the existing arrangement and generally would be more suited given the site position within the Conservation Area. The height of the proposed railings would also screen the condenser units from the public realm. In terms of the buildings in the immediate area, the railings black coated finish would be sympathetic to the red brick work of Waverley Court in the back ground.

- 10.4 The rear access to 465 Holloway Road is via a private access off Mercers Road is private access only. Although the acoustic canopy structure above the condenser has been increased in height and would remain visible from Mercers Road, it would be set in 20 metres from this highway. Given this distance and the fact the structure would be finished in a black coat of paint behind black automated gates, it would largely blend into the surrounding buildings.
- 10.5 As such, the revised plans are considered acceptable and represent an overall improvement in the design than the previously granted scheme. The siting of the plant enclosure and plant are considered to be in accordance with CS policies 8 and DM policies DM2.1, DM2.3, & Islington's Urban Design Guidance 2006.

Impact on neighbours amenity

- 10.6 The current application is as a result of an enforcement investigation into the noise and smells from the equipment which was impacting on the neighbours amenity particularly the property situated immediately above the extraction equipment and the units subject of this assessment would not be a source of odour.
- 10.7 The modified equipment has removed a previously noisy Air Condition Unit and replaced with a single Rivacold A3G800-AO84-01 three fan condenser. The noise survey that has been submitted was conducted on the 9th September 2013 between 2100-2200 hours. This noise survey measured the replacement Rivacold A3G800-AO84-01 three fan condenser as indicated in paragraph 4.1 of the Plant Noise Assessment report.
- 10.8 The findings indicate that the combined sound power level is 41DbA when operating on daytime duty and 28DbA for night time. Protection measures in place include an acoustic canopy which also provides screening measures from the residential properties at first floor level. The Council's Acoustic Officer has been consulted on the noise survey and is content that the proposed new extraction equipment and report addresses the noise concerns from the original planning approval and would not have an adverse impact on the nearest neighbouring properties at first floor level situated within Waverley Court. Conditions are recommended that would restrict noise levels shall have a rating level of at least 5Db(A) below the background noise level LAF90 Tbg. A timer condition has also been recommended to further reduce the impact on the neighbours amenity.
- 10.9 Overall, given that the Acoustic Officer is satisfied that the proposal would now address the noise issues and the proposal commercial location, it is considered that the proposal would not lead to additional impact on the neighbours amenity. Acoustic conditions are recommended in order to protect the adjoining residents from noise concerns.
- 10.10 A further concern raised by the representation received related to smells from the equipment. Environmental Health have been consulted and raised no

objections to the three fan condenser unit. The Officer has indicated that any issues of smell should be reported to the Environmental Team for investigation.

- 10.11 Further to the plant equipment, no objection has been received from the Environmental Health Commercial Officer in regard the repositioning of the ventilation grills on the rear face of the elevation which extract from bakery. This repositioning of ventilation grills from its previously approved location higher up the flank wall reduces the potential smells to the first floor flats. The ventilation grills are now positioned further away from the windows serving each flat than its previously approved location. Therefore, the impact on these neighbouring properties in terms of smells would be reduced.
- 10.12 As such, the proposal development would not harm 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.

Other issues

- 10.13 The representation received raised other concerns regarding security. The revised design has taken the security into consideration with the top of the railings now including rota spikes to prevent climbing. The acoustic canopy has also been redesigned to incorporate a pitched roof which will reduce its accessibility. It is considered that the timber framed pitched roof is sufficient distance away from the three fan condenser unit to have a fire risk.
- 10.14 Concerns have also been raised regarding chemicals and smells from the baking. The Environmental Health Officer has been consulted and raised no objection to the fan condenser units or the relocation of the grills on the rear elevation.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The proposed development is acceptable and would not result in unacceptable harm to the existing building and the surround Conservation Area. The condenser units do not lead to adverse impact on neighbours' amenity. Furthermore, Environment Health have raised no objections. It is therefore considered that the proposed changes are in accordance to the Council's local policies.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

	Commencement (Compliance)
1	<p>S73 - CONSENT LIMITED TO THAT OF ORIGINAL PERMISSION: The development hereby permitted shall be begun not later than the expiration of [21/03/16].</p> <p>REASON: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted on [21/03/13] [LBI ref: [P121944]. Furthermore, 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>
	Approved Plans List: (Compliance)
2	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>[Site Location Plan, 200, 202, 211,215 Rev A, 220 Rev L, Plant Noise Assessment Cole Jarman Report 13/1190/R1]</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>
	Acoustic Condition
3	<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: To safeguard the amenity of neighbouring premises.</p>
	Acoustic Condition
4	<p>CONDITION: The acoustic canopy shall be installed prior to the first operation of the proposed plant and shall be maintained as such thereafter.</p> <p>REASON: To safeguard the amenity of neighbouring premises.</p>
5	Timer
	<p>CONDITION: Prior to the hereby approved plant equipment being used, a timer shall be installed limiting the daytime mode operation of the Rivacold A3G800-A084-01 condenser unit to between the hours of 07:00 to 23:00 only. The unit shall operate in night time mode outside of these hours. The timer shall be maintained as such thereafter.</p> <p>REASON: In order to protect residential amenity</p>
6	Anti-vibration mounts

	<p>CONDITION: Details of anti-vibration mounts for the plant will be submitted to the LPA and approved in writing prior to the installation of the plant. The approved anti-vibration measures will be installed before the first operation of the plant and shall be maintained thereafter.</p> <p>REASON: To safeguard the amenity of neighbouring premises.</p>
7	<p>Servicing and maintenance plan</p> <p>CONDITION: Details of the servicing and maintenance plan, including responsive as well as planned maintenance, in accordance with the manufacturer's requirements, shall be submitted to and approved in writing by the local planning authority prior to the installation of the plant.</p> <p>The development shall be operated strictly in accordance with the details so approved.</p> <p>REASON: To safeguard the amenity of neighbouring premises.</p>
8	<p>Railings and acoustic canopy painted black</p> <p>CONDITION: The railings and acoustic canopy hereby approved shall be installed and painted in a black shaded colour within 3 months of the decision notice and maintained as such thereafter.</p> <p>REASON: To ensure that the appearance of the extraction duct is acceptable in relation to the existing building and the character of the surrounding area</p>

List of Informatives:

	Positive statement
1.	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. Whilst this wasn't taken up by the applicant, and although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p> <p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.</p>
	Construction hours
2.	<p>You are reminded of the need to comply with other regulations/legislation outside the realms of the planning system - Building Regulations as well as Environment Health Regulations. Any construction works should take place within normal working day. The Pollution Control department lists the normal operating times below.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Delivery and operating times - the usual arrangements for noisy works are</p> <ul style="list-style-type: none"> ○ 8am –6pm Monday to Friday, ○ 8am – 1pm Saturdays; ○ no noisy work on Sundays or Public Holidays (unless by prior agreement in special </div>
	Conditions compliance
3.	<p>You are reminded of the need to comply with all conditions attached, some of which may need to be discharged under previous applications (Condition 6 and 7 discharged P2013/4500/AOD) or no longer applicable (Condition 4).</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.

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:

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

1 Context and strategy

Policy 1.1 (Delivering the strategic vision and objectives for London)

Policy 7.4 (Local character)

Policy 7.6 (Architecture)

Policy 7.8 (Heritage Assets and archaeology)

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

Policy DM2.1 (Design)

Policy DM2.3 (Heritage)

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

The following SPGs and/or SPDs are relevant:

- Urban Design Guide
- Mercers Road/Tavistock Terrace Conservation Area Design Guidance Note