

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration Department
PO Box 3333
222 Upper Street
LONDON N1 1YA

PLANNING SUB COMMITTEE A		
Date:	9 th July 2015	NON-EXEMPT

Application number	P2015/2026/S73
Application type	Removal/Variation of Condition (Council's Own)
Ward	Clerkenwell
Listed building	Unlisted
Conservation area	Not in conservation Area
Development Plan Context	Central Activities Zone, Site within Lv4 Local Protected Views from Archway Road to St.Paul's Cathedral, Key Area –Bunhill & Clerkenwell
Licensing Implications	None
Site Address	Michael Cliffe House, Skinner Street, London EC1R
Proposal	Application for variation of Condition 2 (Approved plans) and removal of condition 3 (Details of materials of screening panel) of Full Planning application Ref: P2014/0387/FUL dated 14 October 2014 for erection of two 500mm [diameter] flues on the southern elevation of existing 25-storey building.

Case Officer	David Nip
Applicant	London Borough of Islington
Agent	London Borough of Islington - Mr Alan Price

1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission-subject to the conditions set out in Appendix 1.

2. SITE PLAN (site outlined in black)

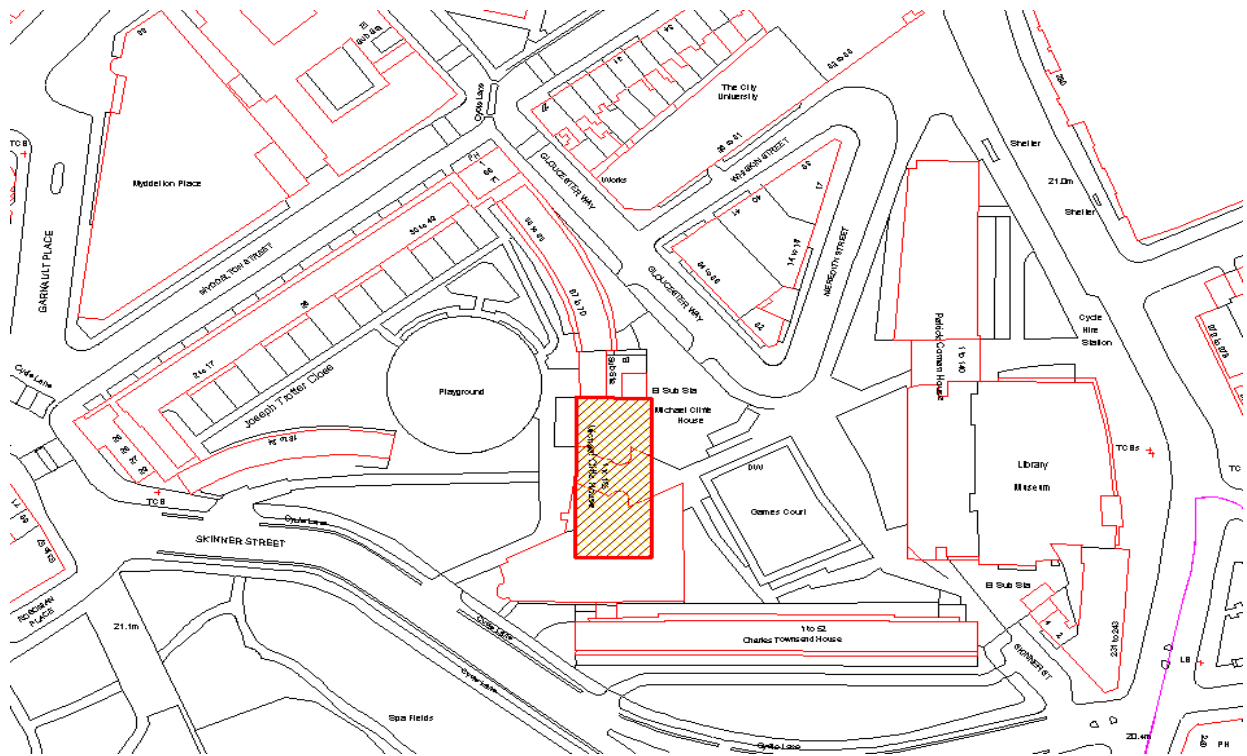


Image 1: Site plan

3. PHOTOS OF SITE/SURROUNDING



Image 1: Ground floor side elevation of Michael Cliffe House facing south



Image 2: Distant view front elevation (facing west) of Michael Cliffe House from Skinner Street



Image 3: Ground floor side elevation of Michael Cliffe House facing south with Patrick Coman House in the background.

4. SUMMARY

- 4.1 Planning permission was granted in 2014 for installation of two flues, as part of the Council's project to upgrade the central heating services and provide a new community central system for the Finsbury Estate.
- 4.2 The approved flues are 2x 700mm diameter, to be installed on the southern side of the Michael Cliffe House. A condition was imposed to request details of the final screen to be agreed prior to commencement of work.
- 4.3 This application seeks removal of condition 3 (Details of materials of screening panel). The application also seeks to reduce the diameter of the approved two flues from 700mm to 500mm.
- 4.4 It is considered that the removal of the screen panel from the approved development will cause some harm to the visual amenity of the building and the surrounding conservation areas. The applicant has provided evidence to justify the reasons of the removal of the screen panel, and explained why it is not feasible to install the screen panel in terms of structural concerns, maintenance issues and its prohibitive cost.
- 4.5 Whilst it is disappointing that the screening panel cannot be implemented, it is considered that the public benefits of the improvement project outweigh the harm to the visual amenity of the building and the wider area.
- 4.6 It is recommended that the application is approved to remove condition 3 in the original consent, and variation of condition 2 which would allow two smaller 500 mm flues to be installed on the side of the building without screening.

5. SITE AND SURROUNDING

- 5.1 The application site concerns Michael Cliffe House, a 25 storey tower block located within the Finsbury Estate, the tower itself is constructed with external concrete grey wall with enclosed balconies and the west and east elevations.
- 5.2 Finsbury Estate includes the following buildings:

- Michael Cliffe House
- Patrick Coman House
- Charles Townsend House
- Joseph Trotter Close
- Library Building
- Ground Level and Basement Car Park (disused)

5.3 Michael Cliffe House is not listed nor within a Conservation Area. However the height of the building and proposed works on the south-side elevation would be visible from the surrounding conservation areas towards the south.

6. PROPOSAL (IN DETAIL)

6.1 This application sought for removal of condition 3 (Materials and design of the screen panelling) and variation of condition 2 (Approved plans list) from the original consent under P2014/0387/FUL.

6.2 The proposed change compare to the approved scheme are:

- Reduction of diameter of the flues from 700mm to 500mm
- No screening panel to cover the flues, mainly due to cost, time and structural reasons.

6.3 Condition 2 of the original consent reads:

CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:

Planning supporting documentation Rev C, 7306M (50)01, 02,06,10,12 Rev A, 07, 09 Rev B, 13.1 Rev, 13.2 Rev C

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.

6.4 Condition 3 reads:

CONDITION: Prior to any superstructure work commencing on site, details of materials of the screening panel hereby approved under drawing 7306M(50)13.2 Rev C, the following shall be submitted to and approved in writing by the Local Planning Authority, the details and samples shall include:

- a) Colour of the screen panelling
- b) Materials of the screen panelling
- c) Design and detailing of the screen panelling

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 and to ensure that the resulting appearance and construction of the development is of a high standard.

7. RELEVANT HISTORY:

- 7.1 P2014/0387/FUL - Erection of two 700mm [diameter] flues enclosed in proposed screening on the southern elevation of existing 25-storey building. Approved with condition by Planning Sub-Committee A on 9 October 2014.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 486 adjoining and nearby properties and were reconsulted on the amended plans. Site notice and press adverts on the amendments were displayed on 8th September 2014. The public consultation of the application therefore expired on 25th September 2014, 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 Officer: The proposed pipe work would disrupt the considered composition of the building's elevations and would cause some degree of visual harm. Not entirely convinced about the perforated panel. However, it is appreciated that there are public benefits involved in this proposal which need to be balanced as part of the assessment of the proposal.

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 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

- 9.2 The Development Plan is comprised of the London Plan 2015, 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.

Designations

- 9.3 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013, Central Activities Zone, Key Area- Bunhill & Clerkenwell and within area of Protected Local views.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

- 10.1 The main issue arising from this proposal relate to:
- The design and the impact of the proposed flues and screening on the appearance of the building and the wider neighbourhood.
- 10.2 Planning permission P2014/0387/FUL was granted under Planning Sub-Committee A on the 9th of October 2014, condition 3 relates to the proposed panel screening to be agreed prior to commencement of superstructure work.
- 10.3 It is understood that preparation works have begun on site, the applicant is currently seeking to implement the consent without complying with condition no 3.
- 10.4 The applicant stated that it is unfeasible to install the screening panel because of the weight loading on the side of the building. Whilst further investigation would need to be carried out to determine the exact loadings of the superstructure, this would require a full in depth survey that would be costly and time consuming. The load bearing problems associated with the erection of the screens have been taken at face value without a full engineering survey in this instance and the justification provided seems reliable and from a trustworthy source in this case.

Visual impact

- 10.5 The flues will be fully visible without the screen; it is considered that the latest proposal will be an adverse impact towards the appearance of the building, mainly due to the height and siting of the building, the flues will be highly prominent within the Clerkenwell area, as noted in the original committee report of P2014/0387/FUL, "...Due to its prominence and visibility, it would have a visual impact on the local townscape including the heritage assets."
- 10.6 Design and Conservation Team objected to the removal of the screen from the approved development, commented that: "...the proposed installation of the pipes would present an unacceptable architectural solution. They would have a rather industrial appearance which detracts from the character of the area and the host building."
- 10.7 Core Strategy Policy CS9 which seeks high quality architecture that enhances Islington's built environment and policy DM2.1 in demonstrating architectural design quality and detailing. It is not considered that the proposed development would fully comply with these policies, should condition 3 be removed from the original consent.
- 10.8 In this instance, it should be noted that the flues are smaller in diameter than previously approved with a reduction from 700mm to 500 mm and are located on the flank elevation away from resident's windows. Whilst the building is well designed, it is not listed nor does it fall within a conservation area and it is considered in this instance to not be a heritage asset. The flues will be visible from the surrounding area which includes a conservation area. However, in this instance it would be difficult to substantiate a reason for refusal based on the harm to the character and appearance of the surrounding conservation area and this is balanced against the public benefits of the creation of a much improved and energy efficient community central heating system which will help works towards alleviating fuel poverty in the area.

Practical aspects of the installation of the screen panel

- 10.9 The submitted supporting statement advises that a qualified structural engineer has examined the technical information of the proposal. It was reported that: "Installing flues and screens on a building of this height and age will require substantial temporary and permanent works in order to support the weight of flues and screens and also provide safe access for site personnel. The permanent fixings would need to be located in the main building in situ' in the reinforced concrete frames in order to safely transfer dead loads, wind loads and provide restraint. However, the construction of the building does not lend itself to supporting a separate super structure due to the concrete panel cladding. To determine the exact loadings would require a full in depth survey that would be costly and time consuming. "Furthermore, there is concern that the previously approved screening feature may well pull away from the main elevation of the block and cause structural damage to the host building.
- 10.9 There were other issues identified in the statement, including additional supporting structure required to support the super structural beneath the green roof, the wind loading issues caused by the screen, noise impact, building movement, maintenance, flue inspection and additional cost to the project.
- 10.10 The benefits of the scheme are identified in the original planning consent and there is no change under this amended proposal. It remains to be in accordance with Core Strategy policy CS10A and DM policy 7.1, 7.2, 7.4 and 7.5, in relation to the Council's energy and environmental standards and carbon reduction. It is considered that the proposal would benefit the estate by modernising the heating system and provides a modern and efficient communal central heating system to the Michael Cliffe House and the wider Finsbury Estate.

11. CONCLUSION

- 11.1 It is appreciated that the project will provide significant improvement to enhance the living condition, and sustainability of the Finsbury Estate. The applicant has explored various alternatives to mitigate the visual impact of the proposed flues. Whilst the proposed removal of the screen will cause some harm to the appearance of the building and the character of the area, the benefits of flues outweigh the visual harm to the building in this instance.
- 11.2 On balance, bearing in mind the context surrounding the site and the substantial public benefits to the scheme, it is considered that the benefit of the proposed development, in relation to the improvement project of the Finsbury Estate, would materially outweigh the visual harm identified in the assessment above. Planning permission is recommended to remove condition 3, and vary condition 2 of the original consent.

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 Rev C, 7306M(50)01,02,06,10,12 Rev A, 07,09 Rev B, 13.1 Rev A</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	Noise assessment and insulation
	<p>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>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To secure an appropriate internal residential environment.</p>

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. A pre-application advice service is also offered and pre-application discussions were entered into, discussions were also had to secure amended plans during the course of the planning application, the applicant worked in a proactive manner with the Local Planning Authority, taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in accordance with the requirements of the NPPF.</p>
2	Noise
	<p>The applicants are advised that anti-vibration mounts should be considered for fixings to the main building structure.</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:

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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

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

Health and open space

DM6.1 Healthy development

Energy and Environmental Standards

DM7.1 Sustainable design and construction

Housing

DM3.1 Mix of Housing Sizes

DM3.2 Existing housing

DM3.4 Housing standards

DM3.5 Private outdoor space

DM3.7 Noise and vibration (residential uses)

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