

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 B		
Date:	14 th March 2016	NON-EXEMPT

Application number	P2015/5323/FUL
Application type	Full Planning Application
Ward	Caledonian Ward
Listed building	No
Conservation area	Kings Cross
Development Plan Context	Article 4 Direction – office to residential Core Strategy Key Area Conservation Area Employment Growth Area Locally listed building Mayors Protected Vista Within 100m SRN Within 50m of Conservation Area
Licensing Implications	None
Site Address	London Canal Museum, No. 12-13, New Wharf Road, London, N1 9RT
Proposal	Installation of one air conditioning unit at roof level and acoustic screen

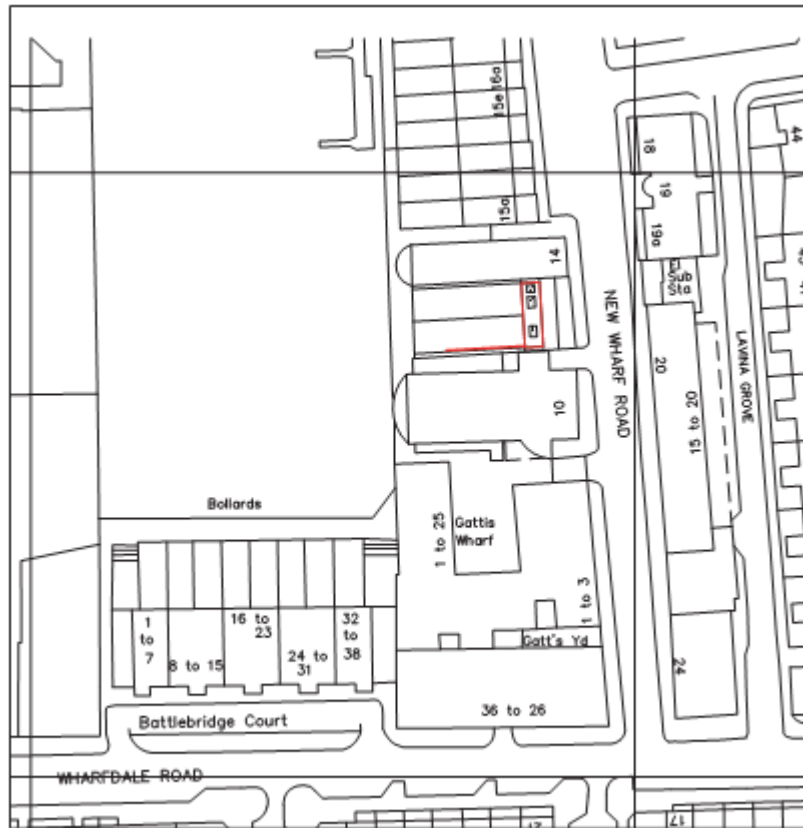
Case Officer	Joe Aggar
Applicant	Martin Sach
Agent	Ms Judith Livesey

1 RECOMMENDATION

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

i) subject to the conditions set out in Appendix 1

2. **SITE PLAN (site outlined in black)**



3. **PHOTOS OF SITE/STREET**

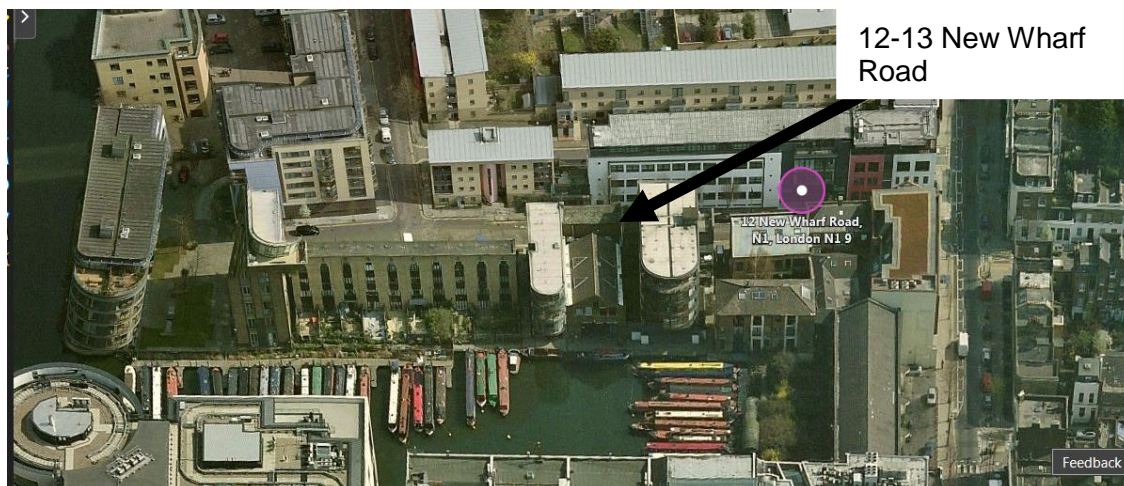
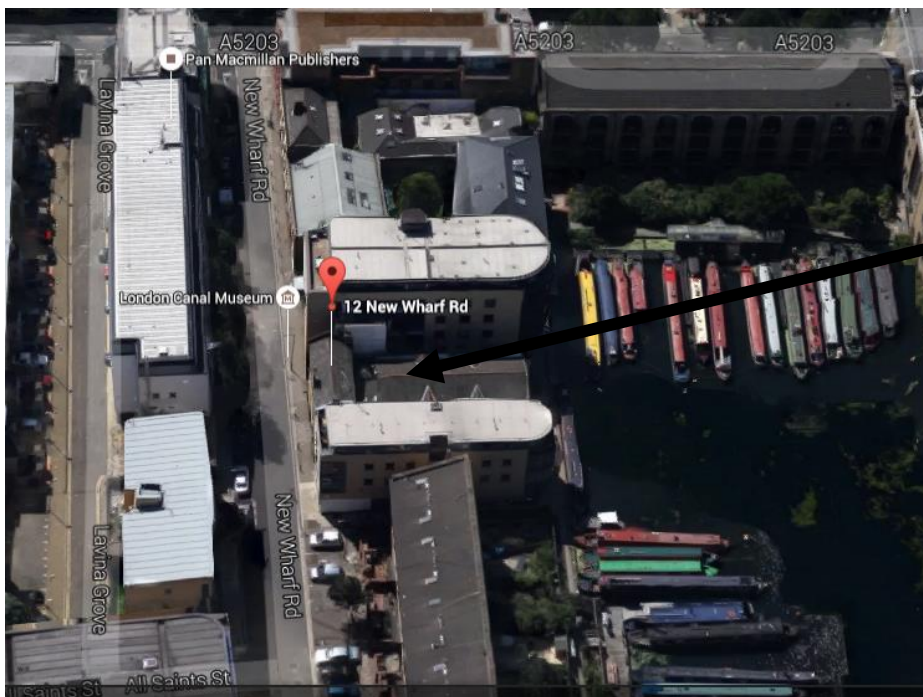


Image 1: Aerial photograph showing the rear of 12-13 New Wharf Road



12-13 New Wharf Road

Image 2: Aerial photograph showing the northern side of 12-13 New Wharf Road.



Image 3: approximate location of air conditioning unit to gable end

4. SUMMARY

- 4.1 The application seeks permission for the installation of an air conditioning unit and acoustic enclosure at roof level of 12-13 New Wharf Road, the London Canal Museum. The air conditioning unit is proposed to be located on the flat roof behind the main facade of the building and in front of a pitched roof to the rear as part of a new air-sourced heat-pump air conditioning system. A number of objections have been received from neighbouring properties in relation to the potential for noise disturbance to occur, as a result of the installation of the proposed plant.

- 4.2 The area is characterised by mixed uses with commercial and residential uses. The building is locally listed, and located within the King's Cross Conservation Area.
- 4.3 The applicant has submitted an acoustic report in support of the application, which has been assessed by the Council's Acoustic Officer. It is confirmed that the proposal will not give rise to any adverse noise emissions to the detriment of neighbour amenity, provided that appropriate conditions are imposed. The proposal is therefore considered to be in compliance with policy DM 6.1 and DM2.1 of the Development Management Policies.
- 4.4 The design of the air conditioning unit is also considered to be acceptable, and is not considered to harm the character and appearance of the conservation area. The unit would not lead to any adverse impact on the amenity of neighbouring properties in respect of the loss of outlook, daylight and sunlight. The design and amenity impact is therefore considered to be acceptable, and in compliance with policy DM 2.1.
- 4.5 The proposal is considered to be acceptable and is in accordance with the Development Plan policies and planning permission subject to conditions is recommended.

5. SITE AND SURROUNDING

- 5.1 The application site comprises a three storey, three bay building with a centrally located ground floor arch and a double pitched roof. The building was built circa 1904, originally as ice warehouse and now houses the London Canal Museum. The property fronts New Wharf Road and backs onto the Battlebridge Basin. The adjacent properties no. 10 and no. 14 New Wharf Road are higher than the application building and contain residential units.
- 5.2 The site is located in the King's Cross Conservation Area and the building is locally listed Grade B. The surrounding area is mixed in character and use.

6. PROPOSAL (IN DETAIL)

- 6.1 The application seeks to install a new air conditioning unit between the existing air conditioning units, as part of the installation of a new air-sourced heat-pump air conditioning system. The plant is proposed to be located on the east facing gable end of the pitched roof to the rear of the 3 storey part of the museum. The plant would be installed with an acoustic enclosure and located in a central area of the roof.
- 6.3 The application has been referred to the planning sub-committee due to the level of objections received.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

- 7.1 Planning application re: 080031 for the '*Installation of two air conditioning units at roof level*' was GRANTED on 29/10/1984 at Planning Committee
- 7.2 Planning application re: 881448 for the '*Change of use to museum within Class D1(e) of the schedule to the Town and Country Planning (Use Classes) Order 1987.*' was GRANTED on 22/03/1989.

ENFORCEMENT:

- 7.3 None

PRE-APPLICATION ADVICE

- 7.4 None

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 59 adjoining and nearby properties at New Wharf Road.
- 8.2 A site and press notice was also displayed and published. The consultation therefore expired on the 04th February 2016 however it is the Council's practice to continue to consider representations made up until the date of a decision. Members will be updated at committee of any additional responses received.
- 8.3 At the time of writing this report 13 response has been received from the public with regard to the application. The issues raised so far can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets).
- High noise levels from existing plant (10.9)
 - Music from events at the Canal museum (10.9)
 - The noise report is misleading (10.11)
 - Noise will be for prolonged periods (10.7-10.10)
 - The new unit will be visible from some balconies (10.5-10.6)
 - Increased noise/humming/disturbance/nuisance (10.7-10.10)

Internal Consultees

- 8.4 **Design and Conservation:** no concerns were raised.
- 8.5 **Acoustic Officer:** The noise report is reasonable. The Pollution Team gave no objection subject to the recommended condition (condition no.3).

External Consultees

- 8.8 None

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.

- 9.2 Since March 2014 Planning Practice Guidance for England has been published online.

Development Plan

- 9.4 The Development Plan is comprised of the London Plan 2015 (Consolidated with Alterations since 2011), Islington Core Strategy 2011, Development Management Policies 2013, Site Allocations Document (2013) and 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.

Designations

- 9.5 The site is located within the King's Cross Conservation Area, a Core Strategy Key Area, an Employment Growth Area. The property is a Locally Listed Building and located within Mayors Protected Vistas.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

- 10.1 The main issues arising from this proposal relate to:
- Design and Appearance
 - Neighbouring Amenity

Design and Appearance

- 10.2 The application building has a three storey height fronting onto New Wharf Road and has a double pitched roof to the rear that fronts onto Battlebridge Wharf. In-between these two parts of the building is a flat roof. The proposed air conditioning unit would measure 1.2m in height, 1.35m in width and would be 0.7m in depth and located in the central part of a flat roof set behind and below a pitched roof.
- 10.3 There are other physical additions to this part of the roof including two existing air conditioning units, skylights and a flue. The proposed air conditioning unit and acoustic screen would be located centrally on the flat roof.
- 10.4 The Conservation Area Design Guidance advises that all plant rooms and lift over-runs should be located so as to be invisible from the street, including long views from adjacent streets. The flat roof sits lower than the three storey frontage to New Wharf Road and the double pitched roof behind. There are no significant public views of the air-conditioning unit or the acoustic enclosure from New Wharf Road or Battle Bridge Basin. There are some private views of the flat roof, however these would not significantly change as a result of the proposal.
- 10.5 The building is locally listed, and whilst this affords no statutory protection, it reflects the significance of the building to the conservation area. The proposal is considered to comply with the above guidance and would not detract from the appearance of the locally listed building or wider area. From ground level it is not possible to see the proposed alterations. If installed the air conditioning unit and acoustic enclosure would preserve the character of the conservation area in so far as any effect on it would be no worse than neutral. The proposal would comply with policy CS9 of the Islington Council Core Strategy and policies DM2.1 and DM2.3 of the DMP which

require development to be of a high quality design that would conserve or enhance the significance of a conservation area.

Neighbouring Amenity

- 10.6 The council's planning policies seek to ensure that new development does not harm the amenity of adjacent residents, either from loss of daylight, sunlight, privacy and overlooking, perceived sense of enclosure or noise.
- 10.7 The application is supported by an acoustic report which has been assessed by the Council's Acoustic Officer who has confirmed that while the site is sensitive, due to the close proximity of residential dwellings at nos. 10 and 14 New Wharf Road, the information in the acoustic report is reasonable. The proposal for daytime and night time noise levels would operate below the background noise levels in the vicinity. Therefore there would be no contribution to noise in the area that would adversely affect the neighbouring residential occupiers. As such, it is considered there is no requirement to limit the hours of operation of the unit.
- 10.8 The Council's Environmental Health Team have received one complaint for the property, listed in March 2015, concerning loud music from the canal museum. However, none complaints have been reported regarding plant noise. Should there be any future complaints into excess noise levels generated these would be addressed through planning control in relation to this application and through noise and Environmental Health regulations in relation to music or the existing plant.
- 10.9 The proposal is therefore considered acceptable subject to condition 3 to ensure there is no adverse impact on surrounding neighbouring occupier's amenity. As such there would no undue harm is caused in this instance in terms of increased noise overlooking, increased sense of enclosure or loss of light to neighbouring occupiers in accordance with DM2.1 of the Development Management Policies.

Other Matters

- 10.10 An objection has been received that the acoustic report is misleading. The information has been reviewed by the Council's specialist Acoustic Officer within the Pollution Team and the information submitted found reasonable.

11 SUMMARY AND CONCLUSION

Summary

- 12.1 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Plan and associated Supplementary Planning Documents and should be approved accordingly.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

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>IL6544/018; IL6544-014; IL6544-015; IL6544-016; IL6544-017; IL6544-010; Technical report Ref DTJ723/R1/1 dated 28 November 2015; KXZ Outdoor units; Rooftop Building Services Support Systems.</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
	<p>CONDITION: The design and installation of new item of fixed plant shall be such that when operating the cumulative noise level LAeq TR arising from the proposed plant, measured or predicated at 1m from the façade of the nearest noise sensitive premises, shall be a rating level of at least 5dB9A) below the background noise level LAF90 Tbg. The measurement and/or predication of the noise should be carried out in accordance with the methodology contained within BS 4142:2014.</p> <p>REASON: To protect neighbouring resident's amenity.</p>
3	Enclosure
	<p>CONDITION: The acoustic enclosure shall be installed prior to the first operation of the air conditioning unit and maintained as such thereafter.</p> <p>REASON: To protect neighbouring resident's amenity.</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. A pre-application advice service is also offered and encouraged. Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant. The applicant therefore worked in a proactive manner taking into consideration</p>

	the policies and guidance available to them, and therefore the LPA delivered a positive decision in accordance with the requirements of the NPPF.
2	Hours of Working
	<p>The applicant is advised that the accepted working hours for development within the borough are:</p> <p>8:00am-5:00pm on Mondays to Fridays, 9:00am-1:00pm on Saturdays and not at all on Sundays, Bank or Public 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 and NPPG are material considerations and have been taken into account as part of the assessment of these proposals.

2. Development Plan

The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Site Allocations Document 2013 and the Finsbury Local Plan 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2015 - Spatial Development Strategy for Greater London

4 London's Economy
Policy 4.6 Support for and
Enhancement of Arts, Culture, Sport
and Entertainment
Policy 4.8 Supporting a successful and
diverse retail sector and related facilities

7 London's living places and spaces
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.15 Reducing noise and
enhancing soundscapes

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

Housing
DM3.7 Noise and Vibration

Health and Open Space
DM6.1 Healthy Development

Design and Heritage
DM2.1 Design
DM2.3 Heritage

Energy and Environmental Standards
DM7.4 Sustainable design standards

5. Designations

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:

- Locally listed building Grade B
- Article 4 Direction – office to residential
- Core Strategy Key Area
- Conservation Area
- Employment Growth Area
- Mayors Protected Vista
- Within 100m SRN
- Within 50m of Conservation Area

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

The following SPGs and/or SPDs are relevant:

Islington Local Development Plan

- Urban Design Guide (2006)
- Conservation Area Design Guidelines