

## 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 March 2016	NON-EXEMPT

Application number	P2015/4616/FUL
Application type	Full Planning Application (Council's Own)
Ward	St Mary's
Listed building	Building not Listed
Conservation area	Upper Street (North)
Development Plan Context	Article 4 Direction - Office to residential Angel & Upper Street Core Strategy Key Areas Upper Street (North) Conservation Areas Local cycle routes Strategic Cycle Route Employment Growth Areas Site within 100m of a TLRN Road
Licensing Implications	None
Site Address	Municipal Offices Islington Council 222 Upper Street London N1 1XR
Proposal	Provision of a permanent standby generator to service 222 Upper Street and installation of an associated flue, along with the relocation of cycle stands.

Case Officer	Sandra Chivero
Applicant	Mr Steve Cross Islington Council
Agent	Fiona Hunter – Ingleton Wood LLP

## 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)



### 3. PHOTOS OF SITE/STREET



Image 1: Aerial view of the site arrow pointing at location of standby generator

## 4. SUMMARY

- 4.1 The application seeks planning permission for provision of a permanent standby generator to service 222 Upper Street the Council's offices and installation of an associated flue, along with the relocation of the cycle stands. The generator will be

used in the case of power outages, shortages or disruption from the national grid, and will allow critical Council services to continue.

- 4.2 The single storey structure would be within the car park of 222 Upper Street which accommodates Islington Council offices and is considered acceptable in terms of size, scale and location in a concealed position. The associated flue viewed in the context of the rear roofscape, it is considered not to unacceptably affect the appearance of the building and the character of the area.
- 4.3 The loss of open space used for cycle parking and a small section of landscaping is regrettable. However, the need for the generator in case of a power shortage is considered to outweigh the harm and the cycle spaces are relocated.
- 4.4 It is also considered that the proposal would not result in potential damage or loss of important amenity trees in the nearby garden.
- 4.5 The generator will only operate in the case of power network failure of insufficient capacity (in the network) accordingly, any noise arising from the development will be infrequent. In addition, an acoustic enclosure is proposed which provides noise mitigation.
- 4.6 The proposed development is also not considered to have any material adverse impacts on adjoining residents' amenity levels in terms of overshadowing, loss of light, over-dominance, increased sense of enclosure nor loss of outlook. The continuation of critical Council services in case of a power outage is considered to warrant the provision of the structure in this location.
- 4.7 The reinstatement of the existing 12 cycle parking within the car park inclusive of an accessible cycle space is welcome and would be conveniently located, adequately lit and step-free.
- 4.8 The application is presented to the Planning Committee because it is a Council own application.

## **5. SITE AND SURROUNDING**

- 5.1 The site consists of a part four and part five storey office building on the west side of Upper Street. The property houses the Council Offices and has a red/brown brick elevation with large repeated window openings. The offices are currently accessed from Upper Street. The car park is accessed via Laycock Street.
- 5.2 The site is located partially within the Upper Street (north) Conservation Area and within the Angel and Upper Street Core Strategy Area. Only the front site is located within the Conservation Area and the rear of the site where the standby generator and cycle stands will be located are located outside of the conservation area.

## **6. PROPOSAL (IN DETAIL)**

- 6.1 The proposal seeks planning permission for a permanent standby generator to service 222 Upper Street. The associated flue will be affixed to the rear of the wind turbine (southern) wing to 222 Upper Street and extend 1500mm above roof level. The proposal includes the relocation of the existing 12 cycle parking space for the offices, within the car park area. The proposal would involve the loss of 3 no. car parking spaces.

- 6.2 The generator will be used in the case of power outages, shortages or disruption from the national grid, and will allow critical Council services to continue. The fuel for the generator would be stored within the generator.
- 6.3 The site is within the car park of 222 Upper Street which accommodates Islington Council's offices. The site is bounded by a wall on its north and west sides, the offices to the south and the ground is currently laid in tarmac. The area of the proposed generator is currently occupied by 12 bicycles stands and a single car parking space.
- 6.4 The generator enclosure is 9.9m in length, 2.9m in width and 3.7m in height. The flue bridges the generator to the building of 222 Upper Street, extends up the full height of the building (5 storeys) and projects 1.5m above the roof.

#### **Revision 1**

- 6.5 Amended drawings were received on 24<sup>th</sup> February detailing the re-provision of 12 cycle parking spaces in the car park area.

### **7. RELEVANT HISTORY:**

#### **PLANNING APPLICATIONS:**

- January 2014: Planning permission (Ref. P2013/4584/FUL) Granted for Replacement of glazing and doors with two access doors and replacement of existing access with glazing.
- November 2012: Planning permission (Ref. P120760) Granted for Installation of an additional wall mounted air condition unit to the rear fronting the car park.
- February 2011: Planning permission (Ref. P102674) Granted for Alterations to a section of frontage to bring forward entrance doors and glazing at ground floor level.
- January 2009: Planning permission (Ref. P082511) Granted for Erection of canopy with automatic double sliding doors to main entrance on Upper Street.
- November 2008: Planning permission (Ref. P081718) Granted for Replacement of generator at rear including exhaust flue to side elevation.
- July 2007: Planning permission (Ref. P062869) Granted for Installation of a freestanding handrail surrounding the roof.
- February 2007: Planning permission (Ref. P062853) Granted for Installation of a wind turbine on a 9 metre high mast on the roof of the south wing of the building.
- February 2006: Planning permission (Ref. P060031) Granted for Erection of glazed sides to main entrance canopy to form enclosed lobby.
- October 2004: Planning permission (Ref. P042153) Granted for Installation of aluminium solar shading to west face of block C, fixed above four window bays on third floor.

- February 1996: Planning permission (Ref. 960048) Granted for Formation of new entrance to building and associated alterations including new canopy and removal of existing entrance doors.

## **PRE-APPLICATION ADVICE**

- 7.1 **Pre-application Advice:** Discussion regarding generator and reprovision of cycle space.

## **8. CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to occupants of 34 adjoining and nearby properties at Edwards Mews, Laycock Street, Upper Street and Transenna Works on 09 December 2015. A site notice and a press advert were displayed on 17 December 2015. The public consultation of the application therefore expired on 07 January 2016, 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 writing this report no responses had been received from the public with regard to the application.

### **Internal Consultees**

- 8.3 **The Design and Conservation Officer** did not raise any objections.
- 8.4 **The Inclusive Design Officer:** at the pre-application stage it was recommended to improve the quality of walkways through the car park. It was also highlighted that cycle parking should be accessible to ambulant disabled people.
- 8.5 **The Tree Officer** stated that the application has no impact to the existing trees to the adjoining garden and therefore has no objection. It is also stated that the loss of some landscaping along the side of the wall would have very limited impact on amenity.
- 8.6 **The Acoustic Officer** recommended condition requiring a written code for the management of noise from emergency plant and equipment. A further noise control condition was recommended.

## **9. RELEVANT POLICIES**

- 9.1 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**

- 9.2 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.
- 9.3 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, Finsbury Local Plan 2013 and Site Allocations 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 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:

- Article 4 Direction - Office to residential
- Angel & Upper Street Core Strategy Key Areas
- Upper Street (North) Conservation Areas
- Local cycle routes
- Strategic Cycle Route
- Employment Growth Areas
- Site within 100m of a TLRN Road

### **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:

- Principle (Land Use)
- Design
- Trees
- Neighbouring Amenity

### **Principle of Development**

- 10.2 The back-up generator will provide energy in case of a network failure or shortages, allowing the Council to continue to provide essential services. The proposed generator would facilitate the continued B1 Use of the site and is therefore considered acceptable in principle.

### **Design**

- 10.3 The electrical generator would be located towards the rear of the site bounded by large boundary walls to the north and west. The proposed new structure would not be overseen or visible from Laycock Street and would sit below the boundary wall with Laycock Primary School and the office block and adjoining residential block. The proposal is therefore considered not to be significantly harmful to the visual amenity of the surrounding area. The proposed generator is located in a concealed location to the rear of the site and would not be prominent from public views. It is therefore considered not to be visually harmful and would not significantly harm the setting character and appearance of the Upper Street North Conservation Area.

- 10.4 The proposed structure is considered acceptable in terms of materials, bulk and appearance. In addition, due to its scale and mass of the proposed structure is considered to be appropriate within this context and remains subordinate to the host 5 storey office block.
- 10.5 The associated flue is positioned to the rear of the southern wing of the host building. Whilst the flue would be visible, it would be positioned to the non-principle elevation located outside of the conservation area and it would be viewed in the context of the roofscape against the backdrop of the Council office building. Given the context the flue is considered not to unacceptably affect the appearance of the building and the character of the area.
- 10.6 Overall the proposal would accord with policy DM2.1 of the Development Management policies (2013) which requires new development to respect and respond positively to existing building and wider context.

### **Neighbouring Amenity**

- 10.7 The generator and associated flue would not be positioned adjacent or directly facing habitable windows to neighbouring properties and it abuts high boundary walls to the north and west. The proposal given its location, size and scale would not result in overshadowing, loss of light, over-dominance, increased sense of enclosure nor loss of outlook to any neighbouring residential properties.
- 10.8 The generator will only operate in the case of power network failure of insufficient capacity (in the network) accordingly, any noise arising from the development will be infrequent. In addition, an acoustic enclosure is proposed which provides noise mitigation.
- 10.9 A Noise Assessment has been submitted in support of this application. The report identified existing background levels and anticipated noise levels using another similar generator. The report found that with sufficient acoustic measures, in this case the noise enclosure, identified noise limits could be met. The acoustic enclosure has been designed to meet these requirements.
- 10.10 Operation of the generator would be in emergency circumstances only in case of a power cut, with a short monthly system test to be carried out during normal hours. The generator is proposed to be installed within a bespoke acoustic enclosure, with the exhaust venting via a flue running up the side wall of the Turbine building to 1.5m above the eaves. With the height and distance from the termination point to nearby residential properties and school there should be appropriate dispersal of fumes when the diesel operated generator is in operation. The generator is also screened by the rear walls of the Municipal Offices. Given these details it would not result in any adverse impact on sensitive adjoining residential and educational uses.
- 10.11 In order to protect the amenity of neighbouring properties, a noise control condition has been attached. A further condition has been attached to the application requiring the submission of a written code for the management of noise from emergency plant and equipment, including testing.
- 10.12 Subject to conditions, the proposal would accord with policy DM2.1 which requires development to safeguard the residential amenity to neighbouring properties.

### **Inclusive Design**

- 10.13 The existing pedestrian priority routes and accessible parking bays will be retained. The proposal would not interfere with the pedestrian and vehicle access through the car park is considered acceptable in principle. The provision of disabled cycle parking is welcome. The proposal would therefore be in line with the Inclusive Design SPD which requires cycle parking to be accessible to ambulant disabled people, step free as well as be located within easy reach of the final destination and lifts to all floors as in this instance.

### **Trees and Sustainability**

- 10.14 The application has no impact to the existing trees on the adjacent site. The Tree Officer had no arboricultural objections. The loss of the existing landscaped area adjacent to the wall is regrettable, however, this is minimal and the need for the generator is considered to outweigh the harm.

### **Transport and highways**

- 10.15 At the pre-application stage the Transport Planning Officer highlighted that the existing 12 cycle stands in the car-park area are well used. This is mainly due to their convenient location and because they are of better quality and are easier to use compared to other sheltered staff cycle parking located on the south side of the building. The Transport Planning Officer further highlighted that there are a number of ongoing problems with the sheltered cycle parking area which accommodates the majority of the staff cycle parking.
- 10.16 The proposed relocation of cycle stands has been subject to detailed discussions with Officers.
- 10.17 Concerns were raised regarding the relocation of 6 cycle stands located to the south east near the existing battery store. Amended drawings were received showing all 12 cycle parking spaces located within the car park area. This is welcome and would accord with policy DM8.4 which requires provision of conveniently located, adequately lit, step-free and accessible cycle parking.
- 10.18 The proposal includes the removal of 3 car parking spaces to facilitate the generator and to provide space for cycle parking. The loss of 3 car parking spaces is welcome and would not contradict the objectives of policies CS10 and DM8.5 which are clear that all development should be car free.

## **11. SUMMARY AND CONCLUSION**

- 11.1 Due to its modest scale and mass, the proposed structure is considered to be appropriate within this context and remains subordinate to the host 5 storey office block. The proposed generator is located to the rear of the site and would not be prominent from public views. It is therefore considered not to be visually harmful and would not significantly harm the character and appearance of the adjoining Upper Street North Conservation Area.
- 11.2 The generator will only operate in the case of power network failure of insufficient capacity (in the network) accordingly, any noise arising from the development will be infrequent. In addition, an acoustic enclosure is proposed which provides noise mitigation.



11.3 The relocation of the existing 12 cycle parking inclusive of an accessible cycle space in the car park area is welcome and would be conveniently located, adequately lit and step-free.

11.4 Subject to conditions, the proposal is considered to accord with relevant policies.

**Conclusion**

11.5 It is recommended that planning permission be granted subject to conditions for the reasons and details 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:

<b>1</b>	<b>Commencement</b>  3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.  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)
<b>2</b>	<b>Approved plans list</b>  DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:  Site Plan, 102, 103B, 104B, 105B, 106D, 107G, 201D, 202A, 203A, 701A; Planning Statement Incorporating Design and Access Statement – 09.10.15; Standby Generator Noise Assessment – November 2014.  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.
<b>4</b>	<b>Materials to Match (Compliance)</b>  CONDITION: The facing materials of the generator hereby approved shall match those as specified in the Planning Statement Incorporating Design and Access Statement – 09.10.15 and shall be maintained as such thereafter.  REASON: To ensure that the appearance of the structure is acceptable.
<b>5</b>	<b>FIXED PLANT (COMPLIANCE)</b>  FIXED PLANT (COMPLIANCE): The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq\ T_r}$ 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 $L_{AF90\ T_{bg}}$ . The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.  REASON: To ensure that the operation of fixed plant does not impact on residential amenity.
<b>6</b>	<b>Management of noise from emergency plant and equipment</b>  CONDITION: This approval is subject to the prior written approval by the Local Planning Authority of a written code for the management of noise from emergency plant and equipment, the subject of this consent. The code shall be submitted to and approved prior to the commencement of the use to which this consent relates. The code shall be fully implemented and operated at all times in accordance with

	<p>the approved details. The management code shall identify measures to reduce the impact of the noise on the community.</p> <p>The Management code shall include measures to address the following matters:</p> <ol style="list-style-type: none"> <li>1. The testing of equipment not to take place between the hours of 1800 and 0800 on any day, and not at any time on Sundays, Bank Holidays or after 1300 on a Saturday.</li> <li>2. The duration of the testing to be commensurate with the test requirements and not to exceed one hour.</li> <li>3. A list of potential residential receptors to be drawn up and those receptors to be given advance written notification of the time and date of the test.</li> <li>4. The acoustic design and control of the fixed plant and equipment to meet a criterion of a rating level, measured or calculated at 1m from the façade of the nearest noise sensitive premises, of not more than 5dB(A) above the existing background noise level (LA90). The rating level to be determined as per the guidance provided in BS4142:2014 .</li> <li>5. A report to be commissioned by the applicant, using an appropriately experienced &amp; competent person, to assess the noise from the plant and machinery. The report is to be submitted to, and approved in writing by the Local Planning Authority, and any noise mitigation measures shall be installed before the commencement of the use hereby permitted and permanently retained thereafter.</li> </ol> <p>REASON: To ensure that the operation of Generator does not impact on residential amenity.</p>
<b>7</b>	<b>Cycle Parking Provision (Compliance)</b>
	<p>CONDITION: The bicycle storage area(s) hereby approved, which shall be provide for no less than 12 bicycle spaces including an accessible cycle space shall be provided prior to the first use of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>

**List of Informatives:**

<b>1</b>	<b>Positive Statement</b>
	<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 LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the 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.

### **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.

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

### **2. Development Plan**

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 following policies of the Development Plan are considered relevant to this application:

#### **A) The London Plan 2015 - Spatial Development Strategy for Greater London, Consolidated with Alterations since 2011**

Policy 6.9 Cycling  
Policy 6.13 Parking

#### **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

**DM2.2** Inclusive Design

##### **Transport**

**DM8.4** Walking and cycling

**DM8.5** Vehicle Parking

### **7. Supplementary Planning Guidance (SPG) / Document (SPD)**

The following SPGs and/or SPDs are relevant:

#### **Islington Local Plan**

- Inclusive Landscape Design
- Urban Design Guide

#### **London Plan**

- Accessible London: Achieving an Inclusive Environment