

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: | 28 th June 2016 | NON-EXEMPT |

| | |
|---------------------------------|--|
| Application number | P2015/3131/FUL |
| Application type | Full Application |
| Ward | Barnsbury |
| Listed Building | Not Listed |
| Development Plan Context | Employment Growth Area |
| Conservation Area | N/A |
| Licensing Implications Proposal | None |
| Site Address | Unit 10, Roman Way Industrial Estate, 149 Roman Way, London N7 8XH |
| Proposal | Retention of four boiler flues and seven silencers to the roof of the commercial unit. |

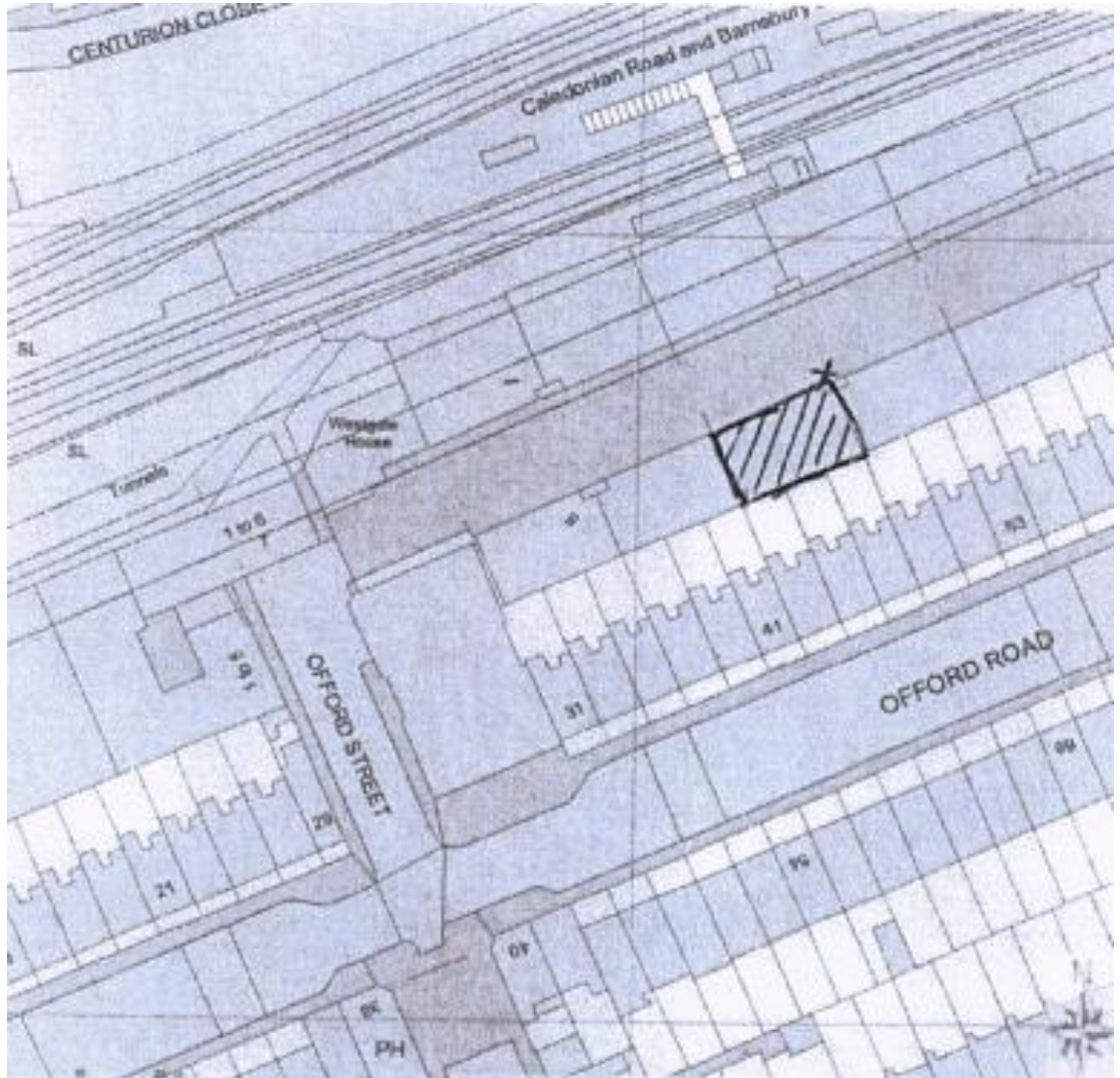
| | |
|--------------|----------------|
| Case Officer | Duncan Ayles |
| Applicant | Mr William Ray |
| Agent | N/A |

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: Photograph of the site from the entrance to the roman way industrial estate to the east



Image 2: Photograph of the Silencers from the inside of the Roman Way Industrial Estate



IMAGE 3: Close up view of the silencers

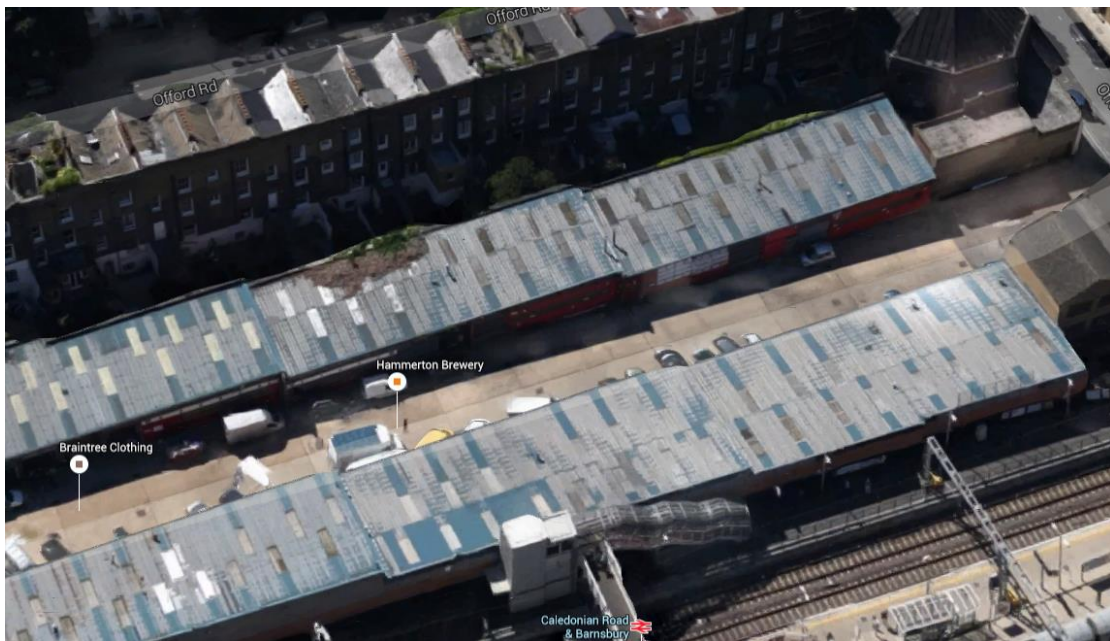


Image 4: Aerial View of the site.

4. SUMMARY

- 4.1 The application seeks approval for the retention of unauthorised roof silencers and boiler extract flues erected on the roof of a light industrial unit within the Roman Way Industrial Estate. The silencers have been erected as a means to mitigate against noise emissions from washing machine and tumble dryer equipment situated within the unit. The occupant of the unit is a commercial laundry business, and the unit has been the subject of several complaints from neighbours regarding noise pollution, particularly to residential properties immediately to the south of the application site.
- 4.2 The silencers are considered to be of an acceptable design given the character of the Roman Way Industrial Estate, and are not considered to give rise to any material impact on the character and appearance of the area. The silencers are also considered to be acceptable in terms of their impact on the amenity of neighbouring properties in terms of the loss of outlook, daylight and sunlight. Furthermore, as the silencers have reduced the amount of noise emitted from the unit, the application is considered to be beneficial on the grounds of noise emissions.
- 4.3 The proposed development is therefore considered to be acceptable and it is recommended that the application is approved subject to conditions.

5. SITE AND SURROUNDING

- 5.1 The application site is situated within unit ten of the Roman Way Industrial Estate, which is an industrial estate situated immediately to the west of Roman Way and to the south of the Caledonian Road and Barnsbury London Overground Station. The Roman Way Industrial Estate is comprised of single storey light industrial units which are accessed from a private access Road that connects Roman Way to the east with Offord Street to the west. The units within the estate incorporate large roller shutters, curtain walls and corrugated plastic roof. The units therefore have a utilitarian, industrial character, and are occupied by a range of light industrial and similar uses such including a garage and brewery.
- 5.2 The application site is located immediately to the north of a residential terrace at 31-79 Offord Road. The separation distance from the industrial units and the original rear elevation of the properties at Offord Road is 10 metres. The properties within this terrace are locally listed and date from the 1850s. The predominant land use to the south of the site is residential, comprising of a combination of residential flats and dwelling houses.

6. Proposal (in Detail)

- 6.1 The application seeks planning approval for the retention of seven silencers on the roof of a single storey industrial unit within the Roman Way Industrial Estate. The silencers comprise five units grouped within the centre of the roof, with a length of 315 mm, and two smaller units with a length of 250 mm grouped on the eastern side of the roof. The silencers are located directly on the roof of the unit, and are lower in height than the apex of the mono-pitched

roof on the southern side of the unit. Planning permission is also sought retrospectively for the retention of four black plastic boiler flues.

- 6.2 The application is being made retrospectively as works to install the silencers have started but have not been completed. The silencers have been installed to reduce the noise emissions from the ventilation extracts associated with washing and tumble drying equipment within the laundry operation use contained within the application unit.
- 6.3 For the avoidance of doubt the application does not seek permission either for the use of the premises as a laundry cleaning place, nor the noise-generating washing, cleaning and tumble dryer equipment within the unit. The lawful use of the premises is as B1 light industrial, and the Council's enforcement team have recently investigated the use and confirmed that the use existing use a B1 c use. The noise generating equipment including the washing machines and tumble dryers do not require the benefit of planning permission as they are internal equipment forming part of the lawful use of the unit.

7. RELEVANT HISTORY

- 7.1 **Enforcement:** E/2015/0121 and E/2014/0548: Two enforcement investigations were undertaken following complaints received in relation to noise pollution from the 'Super Laundry' business operating from unit 10, Roman Way. In both instances the enforcement investigation was closed with no action taken, as enforcement officers concluded that a material change of use had not occurred from the lawful B1 use, and that the business was not in breach of any planning conditions. The enforcement team confirmed that the silencers required planning permission and therefore advised that a retrospective application was submitted.

Pre-application Advice: None

8 CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants on 66 nearby and neighbouring properties on the 18th November 2015. The public consultation therefore expired on the 11th December 2016. Reconsultations were undertaken on the 8th February and 4th April 2016 following the submission of amended plans, and on the 10th May following the receipt of an amended form with a new description of development.
- 8.2 At the time of the writing of this report, two objection letter and one petition was received signed by 11 neighbours (with the relevant paragraph numbers that provide responses to those issues indicated in brackets):
- Noise emissions from laundry use, especially given the nature of the adjacent properties at Roman Way which contain single glazing and the tonal/alternating of the noise emissions (paragraphs 10.16-10.20)

- Impact that the silencers would have by facilitating longer opening hours (paragraph 10.21)
- Design of the flues and impact on the character of the area (paragraphs 10.6-10.10)
- Impact on Air Quality and odours (paragraph 10.23)
- Lawful Use of the Property (paragraphs 10.2-10.3)

Internal Consultees

- 8.3 **Noise Officer:** There is a history of noise complains relating to the laundry use at the site, and the silencers were added to deal with noise pollution. Our Anti-Social Behaviour out of hours service visited the site in March of 2015, and judged that the noise was not a nuisance. Although the silencers have not been completely effective in reducing noise emissions from the unit, the removal of the silencers would increase overall noise emissions from the unit and the tonal element of the noise.
- 8.4 **Commercial Environmental Health Officer;** Noted one odour complaint in 2014 but no correspondence since. Officer satisfied with details subject to additional condition to control odours.

External Consultees:

- 8.5 **High Speed 1:** High speed one have no comment to make as our infrastructure is in a tunnel at this location.

9 REVELANT 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 The National Planning Practice Guidance 2014 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 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.

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:

- Principle of the development
- Design and Impact on the Character and Appearance of the Area
- Impact on the Amenity of Neighbouring Properties

Land Use

10.2 The application site is situated within an industrial estate immediately to the south of Caledonian Road and Barnsbury Overground station. The site is designated as an employment growth area under the adopted Policies Map. The Council have not adopted any specific policies that deal with minor alterations such as external flues to existing buildings within Employment Growth Areas. However, policy DM 5.1 confirms that the Council will encourage the intensification, renewal and modernisation of existing business floorspace within Employment Growth Area. Policy DM 2.1, which requires all new development to be of a high quality, is also relevant.

10.3 The lawful use of the premises is as a light industrial unit (B1 (c)), and the planning enforcement department consider the existing laundry use to fall under this use after two separate visits and investigations into the operation and use of the site for the commercial laundry use. The laundry use does not lead to any significant environmental or amenity impacts on neighbouring properties in terms of the emission of noise or emissions. It is noted that objections have been received from neighbours, alleging that a material change of use has occurred from the lawful use. For the avoidance of doubt, the application does not seek permission for the existing use at the site, and instead relates only to the silencers and boilers at roof level. Therefore, the acceptability of the existing is not an issue for determination within this application.

Design Impact of the development on the Character and Appearance of the Area

10.4 The application seeks permission for the retention of the external extract and silencing equipment situated on the roof of the building. These comprise seven separate extract silencers, including five larger units and two smaller units, and 4 smaller boiler flue extracts. Policy DM 2.1 requires all new development to be of a high quality and respond to its context. The Islington

Urban Design Guide also provides guidance on roof top structures and confirms that external plan should usually be avoided.

- 10.5 The application site is situated within the Roman Way Industrial Estate, which is comprised of two large mono-pitched buildings comprising separate industrial units which front an access road that connects to Offord Street to the west and Roman Way to the west. To the north of the site is the Caledonian Road and Barnsbury Railway Station, and to the south is a residential area incorporating the Barnsbury Conservation Area. The Roman Way Industrial Estate has a utilitarian, industrial character derived from the functional appearance of the units within the estate and also the land uses within the area which are predominantly light industrial.
- 10.6 A number of the units within the estate incorporate a variety of different flues and extracts that project above the mono-pitched roofs including extracts and flues, alongside other external accretions such as air conditioning units and alarms. While it is considered that the extracts proposed within this application are slightly larger and more numerous than other flues in the estate, the flues are considered to be subordinate in scale to the unit. The detailed design and materials are also considered to accord with the industrial character of the Roman Way estate.
- 10.7 Furthermore, due to their modest size and position within the centre of the Industrial Estate, the existing silencers are not easily visible from public views either Offord Road on the western side of the industrial estate, or from Roman Way on the eastern side of the industrial estate. The visual impact of the flues as seen from public viewpoints is therefore limited to the Roman Way Industrial Estate, and will not impact on the character of the wider area, including the Barnsbury Conservation Area to the south. The flues will be visible from private viewpoints from the upper floor windows of the residential properties at Offord Road. However, as this is a private viewpoint it is not considered that the flues would be harmful to the character of the area.
- 10.8 Detailed guidance on the design of roof top development such as plant is set out within the Islington Urban Design Guide, within section 2.6.4. The Guidance confirms that roof structures that are not an integral part of the building should be avoided, and that this type of equipment should usually be integrated into the building itself. In this instance, however, the flues are situated on the roof of an industrial unit within an industrial estate and consequently are not out of context.
- 10.9 The proposed flues are constructed from stainless steel, which give the flues a shiny, reflective appearance. It is considered that the visual impact of the flues could be reduced by painting the exterior of the flues a dark, matt colour. A condition can be imposed on this permission to secure this.
- 10.10 Provided this condition is imposed, the design of the silencers is considered to be acceptable given the industrial character of the site and surroundings. The proposal is therefore considered to be in accordance with policies 7.4 (Local character), 7.6 (Architecture) of the London Plan 2015, policy CS8 (Enhancing

Islington's character) of the Islington Core Strategy 2011, and policy DM2.1 (Design) of the Islington Development Management Policies 2013.

Impact of the Proposed Development on the Amenity of Neighbouring Properties

- 10.11 Policy DM 2.1 aims to protect the amenity of residential properties from overlooking, loss of daylight and sunlight, over dominance, sense of enclosure and outlook. This policy is full in compliance with the NPPF, which seeks to provide a good standard of amenity for all current and future occupiers of the land.

Loss of Outlook

- 10.12 The application site and building abuts the rear gardens of the residential properties at Offord Road to the south. These terraced properties contain relatively shallow rear gardens, and therefore the distance between the rearmost part of these properties, and unit 10 Roman Way, is relatively small at approximately 7 metres.
- 10.13 The application site is comprised of a mono-pitched roof with a shallow pitch of approximately 10 degrees. The proposed silencers situated on the roof are situated on the northern side of this roof, and the top of the silencers are approximately in line with the roof ridge of the unit itself. Consequently, while the silencers will be visible from the upper floor windows of the properties at Offord Road, they will not lead to any material loss of outlook, as the silencers would only be visible from views down from upper floor windows. In this context the flues are not considered to be visually dominant or intrusive when viewed from properties at the rear.
- 10.14 The proposed silencers are similarly not considered to lead to any adverse impact in the daylight and sunlight received by the properties to the south at Offord Road. The silencers are due north of these properties, and do not project above the highest part of the roof, which is closest to the residential terrace. Therefore, the silencers will not lead to the loss of any sunlight or daylight to habitable room windows.
- 10.15 The amenity impact of the roof silencers is therefore considered to be acceptable and in accordance with policy DM 2.1 in terms of the impact on the outlook, daylight and sunlight received by neighbouring properties.

Noise and Odour

- 10.16 The existing noise silencers on the roof were erected by the occupants of the premises as a noise mitigation measure following an investigation by the Council's Noise department in respect of noise emitted from the laundry use. Policy DM 6.1 of the Development Management Policies 2013 requires all new development to contribute to healthy environments, reduce environmental stresses and to ensure that noisy development does not give rise to a noise nuisance.

- 10.17 The Council's Acoustic Officer has been consulted with respect to the application. He has confirmed that, while the roof silencers have not completely mitigated against noise emissions from the unit to the residential properties at Offord Road, they have significantly reduced the amount of noise received by these properties and have also reduced the tonal element of the noise emissions from the unit.
- 10.18 The objectors to the application have provided an acoustic report to substantiate their objection to the scheme. The Council's acoustic officer has assessed this report and has reiterated his comment that the silencers have reduced both the overall sound level and the tonal element of the sound, and has also raised some queries in respect of the methodology used within the report, which uses the lowest background noise reading as the baseline for the assessment of the noise impact.
- 10.19 The council acoustic officer notes the resident's noise report measures one background noise level at potentially the quietest period of the 24 hour day as a representative background sound level. The new version of noise guidance contained within BS4142 does attempt to clarify the typical background sound level to be used and states "*For this purpose, the objective is not to simply to ascertain a lowest measured background sound level, but rather to quantify what is typical during particular time periods*"
- 10.20 The Acoustic officer considers this report to assess the lowest background noise constraint being overly conservatively when applied in this case. It is considered that the applicant's noise report is an accurate and reasonable account of the potential noise impacts of the development in which to assess the case against. It is noted that using differing background noise levels (higher or lower baselines) can significantly impact the noise results and levels in both a positive and negative way. The council must take a reasonable approach in assessing noise details against a reasonable and realistic background level. The current application seeks permission for the silencers only. The existing extract system located within the unit itself produces noise which has been subject of complaints by adjoining residents/users. The proposed silencers are designed to minimise the noise from the existing units located within the unit. The acoustic officer is satisfied that subject to conditions and ongoing monitoring by the noise team that the development can function without a material adverse impact on the amenity levels in terms of noise pollution on adjoining residents/users in this case. The Acoustic officer will be present at the committee meeting on the 28th June to answer any noise enquiries in relation to this application.
- 10.21 Objectors to the scheme have accepted that the silencers have reduced noise emissions from the unit, but have argued that this has facilitated longer opening hours. The fact that the silencers would reduce noise emissions and complaints is considered to be a positive outcome of the development which can be given weight in favour of the application rather than against. The council will investigate the previous opening hours of the unit from historical

records and update members as to what control the council can realistically enact on operating hrs in this case and update committee accordingly.

- 10.22 The proposed roof silencers are therefore considered to be beneficial in terms of their impact on the amount of noise received by neighbouring properties, although it is acknowledged that noise emissions have not been completely reduced. The proposal is therefore considered to be in accordance with policy DM 6.1 of the Development Management Policies 2013.
- 10.23 Respondents to the public consultation have raised the impact of the proposed works on air quality and odour pollution within the area. However, the application seeks consent for the physical silencers and boiler flues on the roof flue, and not the machinery within the unit itself. It is considered that the proposed boiler flues and silencers will significantly improve the odour controls and air quality issues over what may arise if the lawful use still operated without these mitigating features not being in place. A further odour control condition is also suggested by the environmental health officer which has been attached to the suggested conditions number 3. As a further fail safe there remain separate noise and odour controls available to the council under environmental health legislation to control any unacceptable noise or odour nuisances into the future as the use continues to operate.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The existing silencers and boiler flues are considered to be acceptable in terms of their design and impact on the amenity of neighbouring properties in respect of the impact of outlook, sunlight and daylight. Furthermore, while it is acknowledged that the silencers have not completely mitigated the noise emissions from the unit, they have significantly reduced the amount of noise received by neighbouring properties to acceptable overall levels and this can be further secured through detailed conditions.

Conclusion

- 11.2 It is recommended that planning permission be granted subject to conditions and 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:

| | Approved Plans List: (Compliance) |
|---|--|
| 1 | <p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>[Roof and Ducting Detail (Received 31/03/2016), Site location Plans, Proposed Unit Layout, Pre-Existing Arrangement, Planning Statement]</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> |
| 2 | <p>Painting of Silencers</p> <p>A scheme for the painting of the silencers hereby approved shall be submitted to the Local Planning Authority for approval within 2 months of the date of this notice. The scheme shall be carried out in accordance with the details approved within 2 months of the date of the Local Planning Authority's written approval.</p> <p>The approved details shall be maintained thereafter to the satisfaction of the local planning authority.</p> <p>REASON: In order to protect the character and appearance of the area.</p> |
| 3 | <p>Odour controls</p> <p>Notwithstanding the plans hereby approved, the flue/stack shall discharge the extracted air no less than 1.0m above the roof eaves of the building to which it is affixed. The flue shall be fitted with fine filtration or Electrostatic Precipitation followed by carbon filtration (carbon filters rated with 0.1 second resistance time) or alternatively fine filtration followed by counteractant/neutralising system to achieve the same level as above.</p> <p>The filter systems of the approved flue / extraction units shall be regularly maintained and cleaned; and any filters and parts requiring cleaning or replacement shall be easily accessible.</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> |

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.

The NPPG is also a material consideration in the determination of this application.

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

7 London's living places and spaces

Policy 7.2 An inclusive environment

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS13 Employment Space

C) Development Management Policies June 2013

DM2.1 Design

DM 6.1 Healthy Development

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

The following SPGs and/or SPDs are relevant:

Islington Local Plan

Islington Urban Design Guide