

2022/5249/P - 32-34 Rosslyn Hill



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.

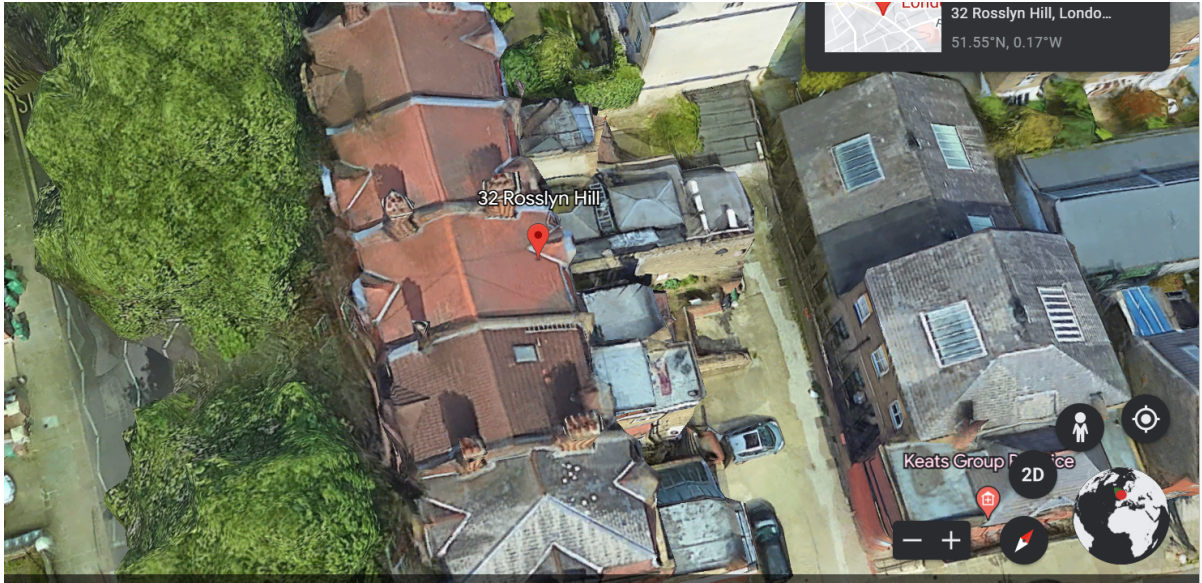


Image 1. Aerial view of the site



Image 2. View of the site from Downshire Hill.

Proposed acoustic screen location.

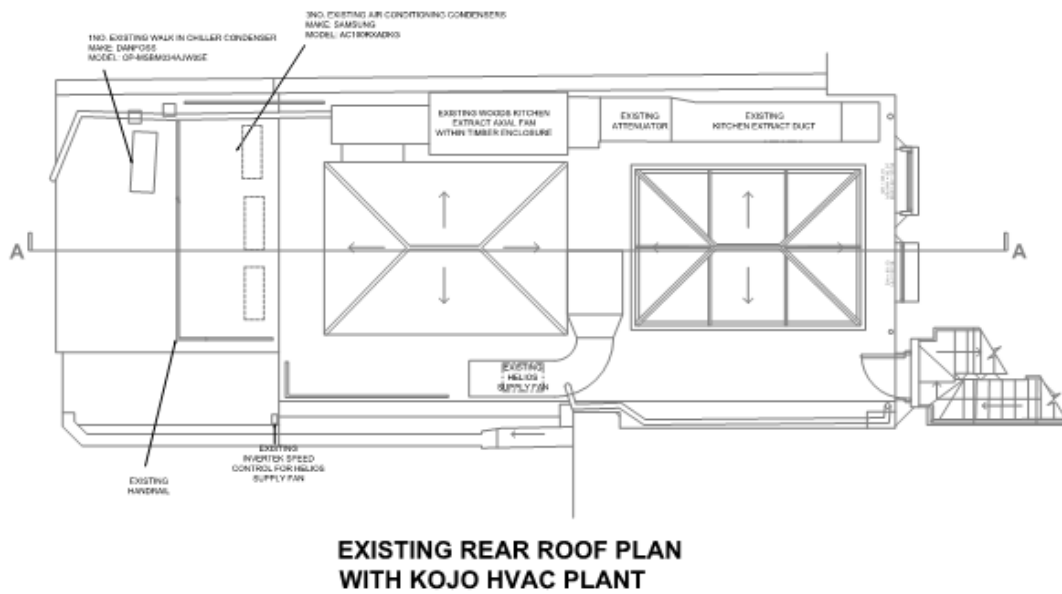


Image 3. Existing roof plan

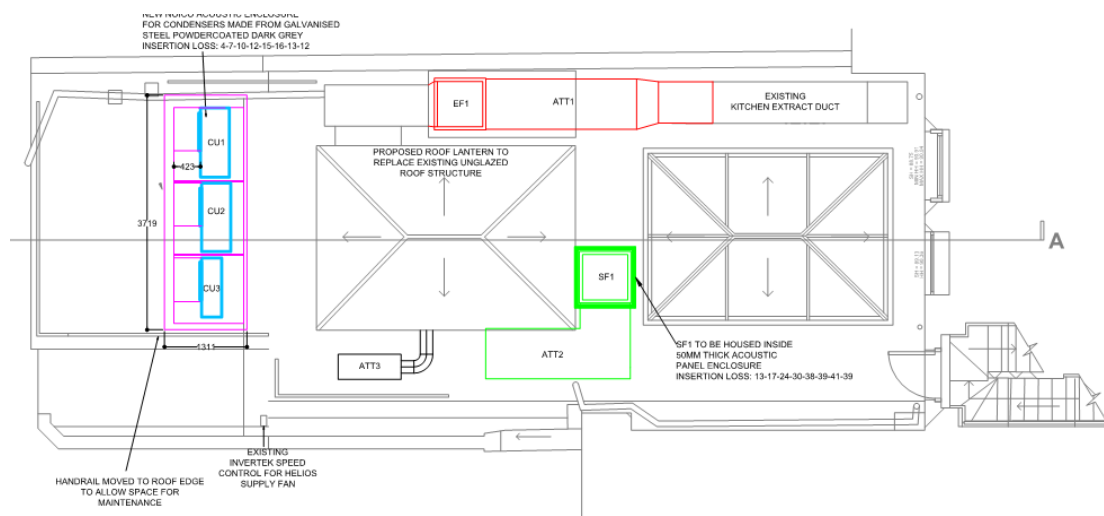


Image 4. Proposed roof plan

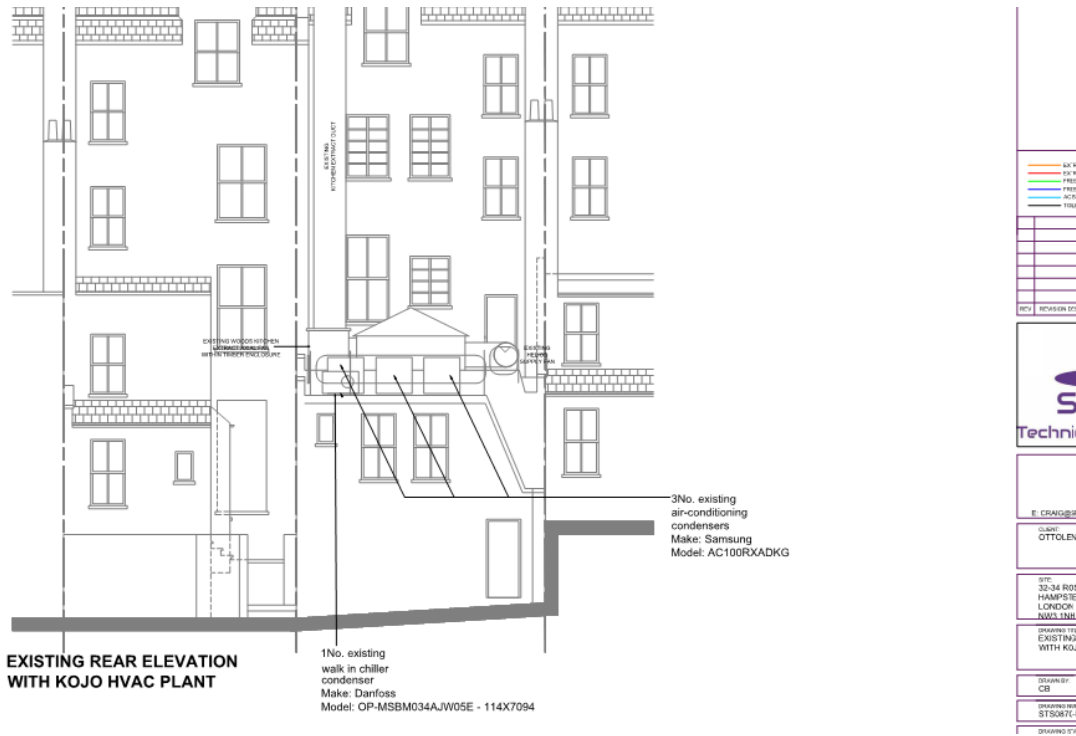


Image 5. Existing rear elevation

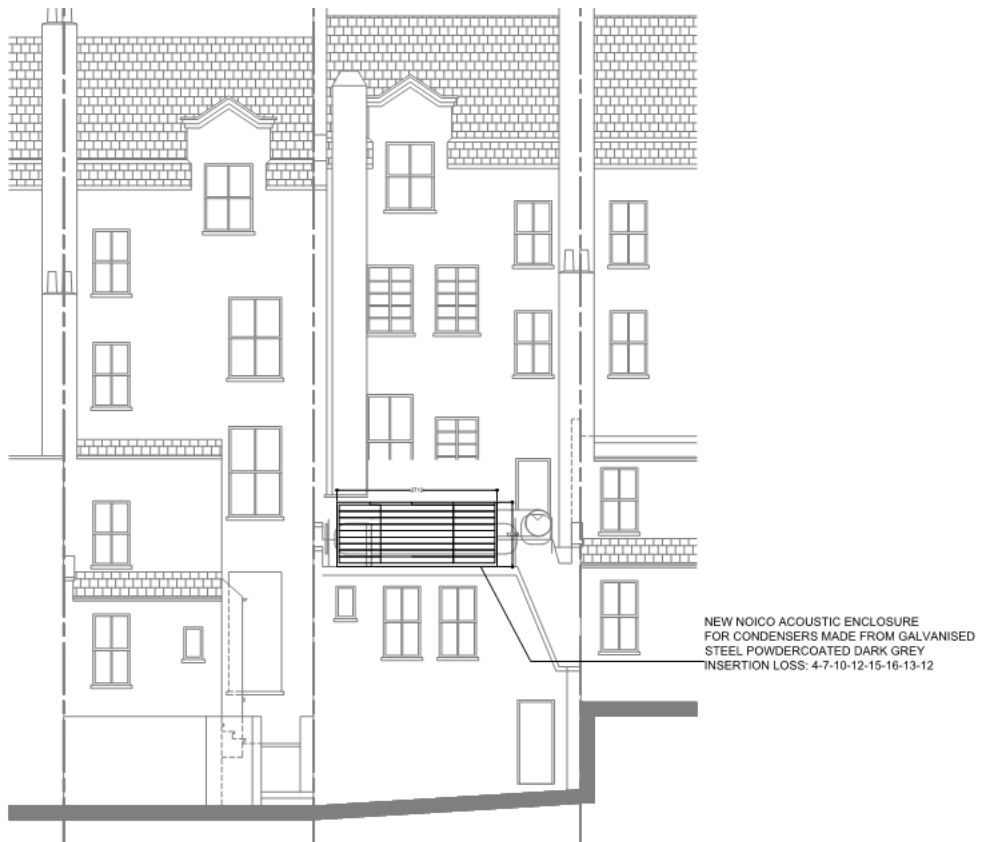


Image 6 Proposed rear elevation

Delegated Report		Analysis sheet		Expiry Date:	05/07/2023
		N/A / attached		Consultation Expiry Date:	26/02/2023
Officer			Application Number(s)		
Obote Hope			2022/5249/P		
Application Address			Drawing Numbers		
32-34 Rosslyn Hill London NW3 1NH			Refer to draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Installation of 5 x condenser units within an acoustic enclosure together with 2 x air ventilation units and associated ductwork on the roof of the rear two storey extension.					
Recommendation(s):		Grant Planning Permission Subject to Conditions			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	05	No. of objections	05
Summary of consultation responses:	<p>A site notice was displayed from 27/01/2023 to 20/02/2023. Press notice was displayed on 02/02/2023 to 26/02/2023.</p> <p>An objection received on behalf of the neighbouring residents at 2 Pilgrim's Lane are summarised as follows:</p> <ul style="list-style-type: none"> The acoustic report does not meet the Council's criteria; <p><i>Officer's comments are as follows:</i></p> <ul style="list-style-type: none"> <i>Please see the amenity assessment from section 5, below;</i> <p>An objection received on behalf of the neighbouring residents at 32 Rosslyn Hill are summarised as follows:</p> <ul style="list-style-type: none"> It is not clear whether the new Kitchen Extract Fan is located within an enclosure or not. If is not, then the noise assessment must be updated to reflect this; Noise pollution from the new condenser unit on the roof; <p><i>Officer's comments are as follows:</i></p> <ul style="list-style-type: none"> <i>Please see the amenity assessment from section 5, below</i> <i>Please see the amenity assessment from section 5, below</i> <p>An objection received on behalf of the neighbouring residents at 52 Downshire Hill are summarised as follows:</p> <ul style="list-style-type: none"> These fans and vents created considerable disturbance to the area and; The roof light would have an impact with light pollution at night. <p><i>Officer's comments are as follows:</i></p> <ul style="list-style-type: none"> <i>Please see the amenity assessment from section 5, below, and;</i> <i>Please see the amenity assessment from section 5.6, below.</i> <p>2 x objections received on behalf of the neighbouring residents at 1 Pilgrim's Lane are summarised as follows:</p> <ul style="list-style-type: none"> The noise vents and air condenser would have an impact with the neighbouring amenities; We would like to make sure that the submitted acoustic report is thoroughly examined and agreement of the immediate residents are obtained, and; More needs to be done to ensure that the any potential noise from the air condenser units and vents are fully assessed. <p><i>Officer's comments are as follows:</i></p> <ul style="list-style-type: none"> <i>Please see the amenity assessment from section 5, below</i> 					

- Please see the amenity assessment from section 5, below*
- Please see the amenity assessment from section 5, below*

**CAAC/Local groups*
comments:**

No response has been received from the Hampstead CAAC and Hampstead Neighbourhood Forum.

Site Description

The application site comprises a four storey building with basement situated in the middle of a terrace of five buildings between Downshire Hill and Pilgrims Lane on the east side of Rosslyn Hill. The basement and ground floor are used as a restaurant (Class E). The first, second and third floors are all in residential use (Class C3).

The property is located within the Hampstead Conservation Area and is covered by the Hampstead Neighbourhood Plan.

Relevant History

Application Site:

2021/0101/P – Planning permission was refused on 10/11/2021 for: Installation of roof lantern with new railings, replacement condenser units and duct on the roof of the rear ground floor extension. (Retrospective).

Reasons for refusal:

1. In the absence of dynamic thermal modelling to demonstrate the need for the 3 x air conditioning units, the Council cannot be satisfied that the proposed works are necessary and that appropriate climate adaptation measures to reduce the impact of overheating could not be achieved by other preferred measures as set out in the cooling hierarchy. The proposal is therefore contrary to Policy CC2 (Adapting to climate change) of the Camden Local Plan 2017.
2. The development, as a result of noise disturbance arising from the air conditioning units and associated plant, would result in unacceptable harm to the amenity of surrounding residential occupants, contrary to policies A1 (Amenity) and A4 (Noise and vibration) of the London Borough of Camden Local Plan 2017 and policy DH1 (Design) of the Hampstead Neighbourhood Plan 2018 to 2033.

2014/6661/P – Planning permission was granted on 20.11.2014 for: Erection of single storey infill extension, creation of new rear doors at rear ground floor level. Installation of new rear external staircase.

2015/6180/P – Planning permission was granted 25.02.2016 for the erection of a first and second floor rear extension with balcony.

2005/3570/P – Lawful Development Certificate (existing) was granted on 23.12.2005 for the use of first, second and third floors as one residential unit.

PW9802549 – Planning permission for the retention of an air conditioning unit at rear ground floor level. Refused on 16/09/1999 on the following grounds:
The air conditioning unit, by reason of its close proximity to the habitable rooms of adjoining residential premises, adversely affects the amenities of the occupiers of those premises in terms of noise, smell and loss of outlook.

Relevant policies

National Planning Policy Framework 2021

London Plan 2021

Camden Local Plan 2017

Policy A1 Managing the impact of development

Policy A4 Noise and Vibration

Policy D1 Design

Policy D2 Heritage

Policy CC1 Climate Change Mitigation

Policy CC2 Adapting to climate change

Policy TC3 Shop Outside Town Centres

Policy TC4 Town Centre uses

Hampstead Neighbourhood Plan 2018

Policy DH1: Design

Policy DH2: Conservation areas and listed buildings

Camden Planning Guidance 2021

CPG Design

CPG Amenity

CPG – Employment sites and business premises

Hampstead Conservation Area Appraisal and Management Strategy 2001

Assessment

1.0 Background

1.1 Retrospective planning permission was refused on 10/11/2021 reference 2021/0101/P for the installation of a roof lantern, replacement of 3 condenser units and ventilation pipe on sustainability and noise impact grounds.

1.2 Planning permission is now sought for the Installation of 5 condenser units within an acoustic enclosure measuring 3.79m in width and 1500 in height together with 2 air ventilation units and associated ductwork on the roof of the rear two storey extension. This application has sought to address the previous reasons for refusal around lack of a Cooling Hierarchy Compliance and the impact of the air condenser units on the neighbouring residential amenity.

1.3 The principal considerations material to the determination of this application are summarised as follows:

- Design and Appearance
- Residential amenity
- Energy and Sustainability

2. Revisions

2.1. It should be noted that during the course of the application revisions to the proposed scheme were requested in order to address concerns raised by officers. The revisions made to the proposed scheme can be summarised as follows:

- Reduction in height of the acoustic screen by 988mm from 2488mm to 1500mm.

2.2. It should be noted that reduction in height is the maximum possible so as not to affect the acoustics/noise levels of the required plant equipment.

3.0 Design and Appearance

3.1 Policy D1 states that the building services equipment, such as air cooling, heating, ventilation and extraction systems, lift and mechanical equipment, as well as fire escapes, ancillary plant and ducting should be contained within the envelope of a building or be located in a visually inconspicuous position and Policy D2 states that the Council will seek to preserve and, where appropriate, enhance Camden's conservation areas. Policy DH2 of the Hampstead Neighbourhood Plan reinforces this and states that new development should not harm a designated or non-designated heritage asset including development that through its height, mass, profile or quality, obstructs or degrades that asset or its setting.

- 3.2 The proposal involves rationalising the existing rear roof plant and installing new condenser units. The rearranged plant and new condenser units would be installed at the rear of the existing two storey rear extension. The existing condensers on the rear elevation would be relocated to the flat roof of the rear extension. The existing kitchen air handling unit, kitchen extract fan and associated ductwork would be replaced.
- 3.3 As revised the proposal introduces a new acoustic enclosure that would be visible from the alley way on Downshire Hill of this part of the property and there are some minor private views from the residential flats on upper floors of the site and neighbouring properties. However, the plant equipment and condensers already exist on the roof of the rear extension and given that there is existing plant and mechanical equipment is currently at roof level the proposal is not out of character to the host building and wider area. Moreover, the proposal is located below window height and substantially away from the rear windows of the residential units and the views would therefore only be oblique and negligible. Overall, it is considered that the proposal may cause minor harm to the visual amenities, but due to the rear location and back of the site having a plant equipment already, it is considered, on balance that the proposal is acceptable in design terms, in accordance with policy D1 of the Camden Local Plan.

4.0 Energy and Sustainability

- 4.1 Policy CC1 of the Local Plan 2017 supports and encourages sensitive energy efficiency improvements to existing buildings whilst Policy CC2 requires development schemes to demonstrate how adaptation measures and sustainable development principles have been incorporated into the design and proposed implementation.
- 4.2 The results of the dynamic thermal comfort modelling indicate that the internal spaces within the existing building do not comply with the thermal comfort requirements set out within CIBSE TM52 and the supporting report indicates that the property would likely overheat without the proposed air condenser units, this would make the premises uncomfortable for both staff and customers at operative temperatures. The report concluded that the 'results show that the premises experience temperature which exceeds 29°C for at least 10% of the time, which is the absolute maximum upper threshold under CIBSE guides. The report states that there are numerous weather events in which the temperature would exceed 30°C, this would indicate that there will be an even higher percentage of time when the targeted internal temperatures would exceed the suggested temperature range of 22°C to 25°C'.
- 4.3 The report stated that the building acceptability tolerance temperature is determined as 4 degrees above the external temperature, meaning the temperature limit is defined as 29°C, which would still be considered by many as an uncomfortable environment to be in. Therefore, officers concur with the recommendation that active cooling is required to keep comfortable temperatures within the building. Thus, the proposed equipment will comply with the cooling hierarchy in accordance with the London Plan and CPG Energy Efficiency such the proposed development in compliance with SI 4 and Local Plan policy CC2 of the Local Plan 2017.

5 Residential Amenity

- 5.1 Policies A1 and A4 of the Local Plan seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise, vibration and impact on daylight and sunlight. Camden's Local Plan Document is supported by CPG (Amenity).
- 5.2 The new mechanical equipment, including ventilation fans, AC condensers and a catering condenser are being proposed to be installed to the rear flat roof of the premises. The nearest and most sensitive residential receptors have been identified in the submission as the upper rear windows of 32 Roslyn Hill and 2A Pilgrims Lane.

5.3 Appropriate noise guidelines have been followed within the report such as Noise Policy Statement for England, National Planning Policy Framework (NPPF), Planning Practice Guidance on Noise, BS 8233 Guidance on sound insulation and noise reduction for buildings, Camden Council's Local Plan, version June 2017 and o BS 4142:2014 "Methods for rating and assessing industrial and commercial sound", and the plant noise criteria have been adequately predicted taking into consideration distance losses, surface acoustic reflections and, where applicable, screening provided by the building.

5.4 The Council's Environmental Health officer has assessed the submitted noise report and is satisfied the predicted noise limits can be met subject to a condition requiring that the plant equipment always achieves the necessary noise standards when in operation. Notwithstanding the above, there have been independent assessment against the submitted Noise Impact Assessment. However, the environmental health officer confirmed that the proposals would not cause harm to local residential amenity which is due to the addition of the proposed acoustic enclosure. Thus, if implemented correctly it is considered that the proposal would unlikely cause harm to the nearest residential amenities subject to the 3 x conditions that are listed below.

5.5 Condition 3 would require details of the noise levels emitting from the plant machinery and equipment to be submitted and approved in writing by the Council and Condition 4 would require the anti-vibration isolators and mounting in order to avoid opportunities for vibration-borne noise nuisance. Condition 5 would require for the installation, operation and maintenance of any odour abatement equipment and extract system, including the height of the extract duct and vertical discharge outlet, in accordance with the 'EMAQ+Control of Odour and Noise from Commercial Kitchen Exhaust Systems.

5.6 The roof lantern is pre-existing and whilst it is large this would be a replacement of a similarly proportioned unglazed structure. The nearest overlooked windows are not to residential premises and whilst other surrounding premises are in residential use it is not considered that any indirect light spillage from the restaurant premises would be likely to result in significant harm to amenities.

5.7 Given the minor nature of the external alterations, there would be no negative impact on the amenity of neighbours in terms of noise, odour or outlook, provided that plant is designed as specified in the submitted assessment reports.

6.0 Conclusion

6.1 On balance, the proposed development is considered acceptable given that the harm would be minor to the visual amenities, this is due to the rear location of the plant and its enclosure at the back of the site having a plant equipment already. Thus, as revised the proposal is considered acceptable in design terms, in accordance with policy D1 of the Camden Local Plan.

6.2 The proposal would have an acoustic enclosure and subject to various conditions as listed above in paragraph 5.5 above the proposal would not result in undue harm to the amenities of neighbouring occupiers and the environment, in accordance with policies A1, A4 and D1 of the Camden Local Plan. Notwithstanding the above, the submitted statement from Spiritus ltr to Decon dated 05.06.2023 identified the need for the proposed air condenser units and its enclosure. Thus, the proposal have overcome the previous reasons for refusal of planning permission 2021/0101/P dated 10/11/2021.

7. Recommendation:

7.1 Grant Planning Permission subject to conditions

DISCLAIMER

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 24th July 2023, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'

Application ref: 2022/5249/P
Contact: Obote Hope
Tel: 020 7974 2555
Email: Obote.Hope@camden.gov.uk
Date: 23 June 2023

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk

SMB Town Planning Ltd
Suite 10
Compass Close
Edgware
Middlesex
HA8 8HU

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

**32-34 Rosslyn Hill
London
NW3 1NH**

DECISION

Proposal:

Installation of 5 x condenser units within an acoustic enclosure together with 2 x air ventilation units and associated ductwork on the roof of the rear ground floor extension.

Drawing Nos: STS0870-M01; STS0870-M03; STS0870-M04; STS0870-M07 REVA; STS0870-M08 REVB; STS0870-M09 REVB; 220920-R001D; Itus ltr to Decon by Spiritus Technical Services Ltd dated 5th June 2023; Technical Specifications documents RZASG-MV1, Danfoss Optyma, OP-MSBM034AJ and RZA-D; Site location map by Promap; Cover letter by SMB dated 30th November 2022 and Cooling Hierarchy Compliance by C80 Solution dated November 2022.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans; STS0870-M01; STS0870-M03; STS0870-M04; STS0870-M07 REVA; STS0870-M08 REVB; STS0870-M09 REVB; 220920-R001D; Itus ltr to Decon by Spiritus Technical Services Ltd dated 5th June 2023; Technical Specifications documents RZASG-MV1, Danfoss Optyma, OP-MSBM034AJ and RZA-D; Site location map by Promap; Cover letter by SMB dated 30th November 2022 and Cooling Hierarchy Compliance by C80 Solution dated November 2022.

Reason:

For the avoidance of doubt and in the interest of proper planning.

- 3 Prior to use of the development, details shall be submitted to and approved in writing by the Council, of the external noise level emitted from plant/ machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the lowest existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS 4142:2014 "Methods for rating and assessing industrial and commercial sound" at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. Approved details shall be implemented prior to commissioning of the proposed installation and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from mechanical installations/ equipment in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 4 Prior to use, machinery, plant or equipment at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 5 The installation, operation, and maintenance of any odour abatement equipment and extract system, including the height of the extract duct and vertical discharge outlet, in accordance with the 'EMAQ+Control of Odour and Noise from Commercial Kitchen Exhaust Systems. Approved details shall be implemented prior to the commencement of the use and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by cooking odour in accordance with requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

Yours faithfully

Chief Planning Officer