

Our Ref: VH/KN0072/23

24 August 2023

Camden Council
Planning - Development Control
Camden Town Hall
London
WC1H 8ND

via email

Dear Sir/Madam,

**RE: 325 Kentish Road NW5 2TJ Application for Full Planning Permission
Planning Portal Reference PP-12372803**

We are instructed to submit the enclosed application for full planning permission for the installation of air conditioning and ventilation equipment at 325 Kentish Road, Kentish town Specifically, the application proposes:

'Installation of external plant and equipment'

In addition to the forms and certificates the application is made up of the following drawings;

- Site Location Plan: KT23-KC/P001;
- Existing General Arrangement Plan: KT23-KC-P099A
- Existing Rear Elevation Drawing: KT23-KC-SK211
- Existing Roof Plan: KT23-KC- P003
- Proposed General Arrangement Plan: KT23-KC-PI00C
- Proposed Air Conditioning & Ventilation Scheme: Q102147-TG-ZZ-DR-01 Rev 2.
- Proposed Roof Plan: KT23-KC-P002
- Mechanical Ventilation and Environmental Control Equipment Specification by Airflow Cooling
- Environmental Noise Survey Report: I1809

This letter also forms part of the application and should be read in support of it.

Site and Surrounds

The proposal site is a four-storey building that fronts directly onto Kentish Town Road and extends at the rear to York Mews. The property is adjoined at ground level on both sides by commercial units, currently an artist hub and a ramen bar.



The ground floor of the building extends from Kentish Town Road to York Mews at the rear. The additional floors are split above first floor level, meaning that there is a small yard/flat roof area at first floor level in roughly the middle of the building. The three storeys above the ground floor are in residential use, some of which are accessed via this yard/flat roof area.

The wider Kentish Town Road area is mainly commercial in nature, with a Sainsburys Local, a pharmacy and a betting shop all within close proximity, there are also food and drink uses close to the site and a library on the opposite side of the road. Generally, Kentish Town Road is characterised by ground floor retail and commercial units with residential occupiers above ground floor. Kentish Town Station, which provides both London Underground and National Rail links, is around 50 metres from the site and there is a bus stop directly outside the unit.

Proposal

This application seeks permission for the installation of plant and equipment in relation to the commercial operation of the ground floor of the building. Four condenser units will be installed on the flat roof at first floor level and an external flue will be attached to the adjoining wall of the property.

Full details and technical specifications are provided on the submitted drawings and technical documents.

Planning History

The ground floor commercial unit of 325 Kentish Town Road has an extensive planning history, the most relevant of which is detailed below;

2018/3257/A Display of an internally illuminated lettering sign above entrance door with metal mesh fascia background and an internally illuminated projecting sign
Granted September 2018

2018/2785/P Installation of new metal frame shopfront with bi-folding windows and mesh louvres for internal condensers to retail unit (Class A1).
Granted September 2018

2018/0228/P Use of the ground floor premises as a bakery shop (Class A1) including the sale and consumption of hot drinks and snacks ancillary to the primary retail function.
Granted February 2018

2017/6574/P Alterations to ground, first and second floor fenestration to the front elevation fronting York Mews and alteration to first floor window on side/rear elevation that serves flat 1 with associated internal changes relating to the waste storage and cycle parking (retrospective).
Granted and Warning of Enforcement Action December 2017



2015/7282/P

Change of use of ground floor from retail (Class A1) to a coffee shop (mixed use Class A1 / Class A3) and alterations to shopfront

Refused January 2016

Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states: *“if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Act, the determination must be made in accordance with the plan, unless material considerations indicate otherwise.”* Any issue that relates to the use and development of land is capable of being a material planning consideration; this includes Government statements of planning policy.

The development plan applicable to the application site consists of the Camden Local Plan, adopted 2017, the Camden Site Allocations adopted 2013 along with the accompanying Policies Map, the Kentish Town Neighbourhood Plan adopted 2016 and the London Plan 2021. The National Planning Policy Framework is also a material consideration along with the Camden Planning Guidance on Design.

Local Policy

The Policies Map identifies the application site as falling within Kentish Town Town Centre and as part of the Primary Shopping Frontage.

Design is dealt with under **Policy D1** of the Core Strategy, this policy states that the Council will seek to ensure good design by ensuring that it;

- a. *respects local context and character;*
- b. *preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;*
- c. *is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;*
- d. *is of sustainable and durable construction and adaptable to different activities and land uses;*
- e. *comprises details and materials that are of high quality and complement the local character;*
- f. *integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;*
- g. *is inclusive and accessible for all;*
- h. *promotes health;*
- i. *is secure and designed to minimise crime and antisocial behaviour;*
- j. *responds to natural features and preserves gardens and other open space;*



- k. *incorporates high quality landscape design (including public art, where appropriate) and maximises opportunities for greening for example through planting of trees and other soft landscaping,*
- l. *incorporates outdoor amenity space;*
- m. *preserves strategic and local views;*
- n. *for housing, provides a high standard of accommodation; and*
- o. *carefully integrates building services equipment.*

Policy A1 relates to **Managing the Impact of Development**. It states that the Council will seek to protect the quality of life of occupiers and neighbours- stating that permission will be granted unless unacceptable harm to amenity is caused. It states that odour, fumes and dust alongside noise and vibration levels will be considered in determining harm.

The justification text relating to noise and vibration indicates reference to **Policy A4** alongside the Camden Planning Guidance on Amenity. The justification text relating to odours, fumes and dust indicates a requirement for sensitive siting of extraction equipment alongside the impact will be considered

Policy A4 relates to Noise and Vibration. The policy aims to ensure that noise and vibration is controlled and managed. It also then surmises that developments should have regard to Camden's Noise and Vibration Thresholds (Appendix 3). The policy affirms that no planning permission will be granted for permissions which cause unacceptable noise and vibration to the detriment of amenity.

Appendix 3 of the Camden Local Plan indicates the noise thresholds used to interpret the impact on amenity. The policy aligns with effect levels described in the NPPF 2021 and the NPPG. The observed effect levels are:

- NOEL – No Observed Effect Level
- LOAEL – Lowest Observed Adverse Effect Level
- SOAEL – Significant Observed Adverse Effect Level

The appendix then establishes the noise levels applicable to proposed industrial and commercial developments. It states to achieve LOAEL rating in the daytime, the noise levels must be 10db below background level. To achieve LOAEL rating in the night-time, the noise levels must be 10db below background level and no event are to exceed 57dBL. 10db is to be increased to 15db where the noise contains audible tonal elements.

The justification text of **Policy A4- 6.100** requires air conditioning units to demonstrate that there is a clear need for it, in accordance with **Policy CC2** 'Adapting to Climate Change.

Policy **TC4** states that hours of operation, noise/vibration, fumes and siting of plant and machinery will be assessed. It states that planning conditions will be employed where appropriate.



The London Plan

The London Plan classifies Kentish Town centre as a District Town Centre.

Design is dealt with in chapter 3 and **Policy D4** seeks to deliver good design through design scrutiny and analysis.

The Agent of Change principle is applied in **Policy D13**. The policy establishes in Part C that new noise and other nuisance generating development proposed close to residential and other noise-sensitive uses should put in place measures to mitigate and manage any noise impacts for neighbouring residents and businesses. The remainder of the policy focusses on mitigating the impact of noise generating development.

Policy D14 relates to noise. It requires new developments to mitigate and minimize potential impacts of new development. Where separation of noise sensitive development and noise sources is not possible, potential adverse effects are to be controlled and mitigated.

National Planning Policy Framework

Paragraph 11 of the NPPF states that *decisions should apply a presumption in favour of sustainable development* and that decision takers should approve *development proposals that accord with an up-to-date development plan without delay*.

Regarding design, **Paragraph 130** states that decisions should ensure that proposals *will function well and add to the overall quality of the area*.

Assessment

Design Considerations

The proposed plant equipment- four condenser units will be installed on the flat roof at first floor level and an external flue will be attached to the adjoining wall of the property. There is a small yard/flat roof area at first floor level in roughly the middle of the building.

There are numerous examples of varying types of plant equipment installed to the rear of the ground floor units. It is common to see air conditioning units of the type proposed in this application, on the roof of the single storey extensions to the rear of Kentish Town Road. Additionally, there are examples of flues serving kitchen areas along the back of the units, most notably at Sainsbury's Local foodstore. These are prominent and visible from nearby highways, but contribute to the overall limited character of the properties to the rear.



The proposed plant equipment will be sited in an enclosed yard area to the rear of the existing. The kitchen extraction flue will be installed adjacent to the 4-storey wall to the north of the rear yard and the four extraction units would be installed on the east elevation of the unit at York Mews, adjacent to the yard area. The proposed equipment will have a limited effect on the character of York Mews to the rear, and would not be considered out of place. It would integrate into the overall commercial nature of the rear of these properties. Furthermore, it would not be visible from the perspective of Kentish Town Road.

If located elsewhere the proposed extraction flue serving the kitchen would have a material impact to the design and character of the properties along York Mews and Kentish Town Road. Therefore, the placement of the flue to the rear of the premises where there is limited public visibility is considered to be the best option and consistent with what has been installed to serve no. 323 Kentish Town Road. From York Mews, it will not be possible to view the extraction flue due to the built environment to the rear and as such would have no impact on the character of the area.

In summary, the proposed plant and equipment will have a limited effect on the host premises by virtue of its siting on the premises and the existing plant and equipment seen nearby. It therefore complies with Policies DI, AI and TC4 of the Camden Local Plan 2017.

Amenity

As the proposed plant equipment is located adjacent to a noise sensitive development, a noise assessment report is required, as per Policy A4. The submitted noise impact assessment report, completed to BS4142:2014, has evaluated the potential for nuisance by virtue of the noise associated with the proposed plant and equipment.

The impact assessment report has established that without mitigation, the plant operating period would provide a total level of 76db at receptor point A and 73 at receptor point B, which would present harm to the amenity of the neighbouring residential properties and would be considered above the requirements of Camden Council. The report subsequently establishes the necessary mitigation measures which are required to achieve compliance and to sufficiently reduce the impact. These measures will be applied in full, to ensure that the amenity of the neighbouring properties is maintained. The resultant total plant noise level at receptor point A would be up to 33db until 1am and 30db continuously. The resultant total plant noise level at receptor point B would be 34db up to 1am and continuous level of up to 11 db, marking a vast reduction in noise levels and a reduction to a level deemed acceptable by the Council.

Mitigation measures will be installed as per the recommendations of the noise assessment report, to ensure that these acceptable levels are maintained.

Odours will be sufficiently mitigated through the installation of specialist ventilation equipment, as outlined in the supplementary document produced by AirFlow Cooling. All fumes and odours will be



ventilated well above the ridge height of the flats above and will subsequently not have an unacceptable impact on the amenity of the neighbouring residents.

Overall, as demonstrated by the supplementary technical documentation and noise assessment report, the implications to the amenity of neighbouring residents is minimal. The proposals thusly comply with policies D1, A1, A4 and TC4.

Climate Change Policy CC2

Policy CC2 requires developments to justify the need for full mechanical ventilation in the form of air conditioning. Developments are expected to follow the London Plan's 'cooling hierarchy' to inform the building design. This is as follows, in descending order with the first being most preferable:

- Minimise internal heat generation through energy efficient design
- Reduce the amount of heat entering a building in summer through orientation, shading, albedo, fenestration, insulation and green roofs and walls
- Manage the heat within the building through exposed internal thermal mass and high ceilings
- Passive ventilation
- Mechanical ventilation
- Active cooling systems

The proposed air conditioning units are identified as being the least preferable cooling option. However, the use of these units are justified. They cannot reasonably be located anywhere else as the placement of the units is dependent on the internal alteration of the unit, in respect of the cooking areas and refrigeration units. It is not possible to modify the building in such a way that utilises the more preferable cooling options due to the current built environment; separate planning units share the same walls and roof area and this is also used as a roof/amenity space. The nature of a kitchen is heat generating by definition and as such internal management is not possible. The choice of air conditioning as an active cooling system is therefore justified in this sense, given the context of the site. The proposals thusly comply with Policy CC2.

Conclusion

The proposal accords with all applicable planning policy at both a national and local level. It represents sustainable development within an appropriate location and should therefore be approved without delay.

The requisite fee for this application is £462 and as such a payment for this amount has been made via the Planning Portal.

We trust that the information supplied is sufficient to enable the application to be registered and progressed. If you require any additional information concerning the planning application, then please do not hesitate to contact us.



Yours faithfully,



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Planner

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