

<b>Delegated Report</b>	<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>04/08/2023</b>
	N/A	<b>Consultation Expiry Date:</b>	<b>30/07/2023</b>

<b>Officer</b>	<b>Application Number(s)</b>
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Obote Hope	2023/2445/P
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<b>Application Address</b>	<b>Drawing Numbers</b>
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100 Hatton Garden London EC1N 8NX	Refer to draft decision notice
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<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>
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<b>Proposal(s)</b>
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Retention of 2 x air condenser units within the internal courtyard and installation of new acoustic screens at ground floor level.
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<b>Recommendation(s):</b>	<b>Refuse planning permission</b>
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<b>Application Type:</b>	<b>Full Planning Permission</b>
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<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Draft Decision Notice</b>
<b>Informatives:</b>	

<b>Consultations</b>
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<b>Adjoining Occupiers &amp; local groups</b>	No. notified	<b>0</b>	No. of responses	<b>0</b>	No. of objections	<b>0</b>
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<b>Summary of consultation responses:</b>	A site notice was displayed from 03/07/2023 to 27/07/2023 and the Press Notice was published on 06/07/2023 to 30/07/2023.  No objections or comments were receiving from neighbouring properties.
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<b>Summary of consultation responses from local residents, CAAC / Local groups, etc.</b>	Gamages Tenants and Residents Association responded and objected to the proposals as follows:  <ol style="list-style-type: none"> <li><i>We are opposing this application as we are in dispute at the moment with the Freeholder's representatives regarding the existing plant/units;</i></li> <li><i>There is already over 100 air conditioning units and we feel adding (albeit new) will not help the impact on quality of life for our residents, and;</i></li> <li><i>We also feel noise buffering to previous plant has not been adhered to by the freeholders.</i></li> </ol>
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## Site Description

The host building is a 3 storey building comprising of a number of jewellery suites on the ground floor on northeast side of Hatton Garden, close to the junction with Greville Street.

The host building is not listed or locally listed, however is within the Hatton Garden Conservation Area.

## Relevant History

**EN23/0098** - Plant noise from 2x A/C condensers. The current planning application was subsequently submitted.

## Relevant policies

### National Planning Policy Framework 2023

### London Plan 2021

### Camden Local Plan 2017

A1 - Managing the impact of development

A4 - Noise and vibration

D1 - Design

CC1 - Climate change mitigation

CC2 - Adapting to climate change

### Camden Planning Guidance

CPG Design January 2021

CPG Home improvements January 2021

CPG Amenity January 2021

CPG Energy efficiency and adaption January 2021

### Hatton Garden Conservation Area appraisal and management strategy 2017

## Assessment

### 1. Proposal

1.1 Planning permission is sought to retain the 2 x air conditioning unit in the ground floor courtyard and installation of acoustic screen in connection with an existing commercial use.

### 2. Assessment

2.1 The principal considerations in the determination of this application are:

- Land use;
- The design and impact of the proposals on the character and appearance of the host building and wider streetscene
- The justification for comfort cooling in line with the London Plan 'cooling hierarchy'; and
- The impact of the proposal on neighbouring amenity.
- Enforcement

### 3. Land use

3.1 The site is located within the Jewellery quarter of Hatton Garden within the central London area and is part of a large 20th century complex comprising shops, offices and residential units. The host building is located at ground floor level which consists of commercial units with access to the internal courtyard. The Conservation area statement described the area as being a dense network of minor streets connected to four major streets: Holborn on the southern boundary, Farringdon Road on the east boundary, Clerkenwell Road in the north of the Area, and Hatton Garden, which connects Clerkenwell Road to the junction at Holborn Circus. Hatton Garden is the spine of a grid of north-south streets laid out in the seventeenth century including Leather Lane and Kirby Street. The courtyard is currently used to house a number of plant units which is accessible through monitored security gates. The applicant has a 14 year lease on the host building which is currently used a Jeweller's shop and

the site is bounded by residential flats to the north, commercial offices to the west, offices and residential flats to the east and south.

#### 4. Design

4.1 Local Plan Policy D1 (Design) establishes that careful consideration of the characteristics of a site, features of local distinctiveness and the wider context is needed in order to achieve high quality development in Camden which integrates into its surroundings. It advises that *“Good design takes account of its surroundings and preserves what is distinctive and valued about the local area.”*

4.2 Policy D1 is supported by Camden Planning Guidance (CPG) Design. In particular, CPG (Design) in Chapter 9 (Building services equipment) recognises that design considerations should include the visual impact of building services equipment on the host building and streetscape, and in particular consider:

- *use of screening or other techniques to minimise the impacts of plant, machinery and ducting must, in themselves, not cause visual blight;*
- *the design and materials used for plant, machinery and ducting, as well as for ancillary structures such as screening, where located on the exterior of the building, must be consistent with those of the building; and*
- *plant and machinery should be designed in such a way that does not lead to issues of health, safety and security.*

4.3 The nearest residential window is approximately 12m away as shown in the photo below. The existing courtyard would not be visible from the public (as shown on Photo 1 below) the air condenser units remain screened and would not be visible from the flats located to the east of the site.

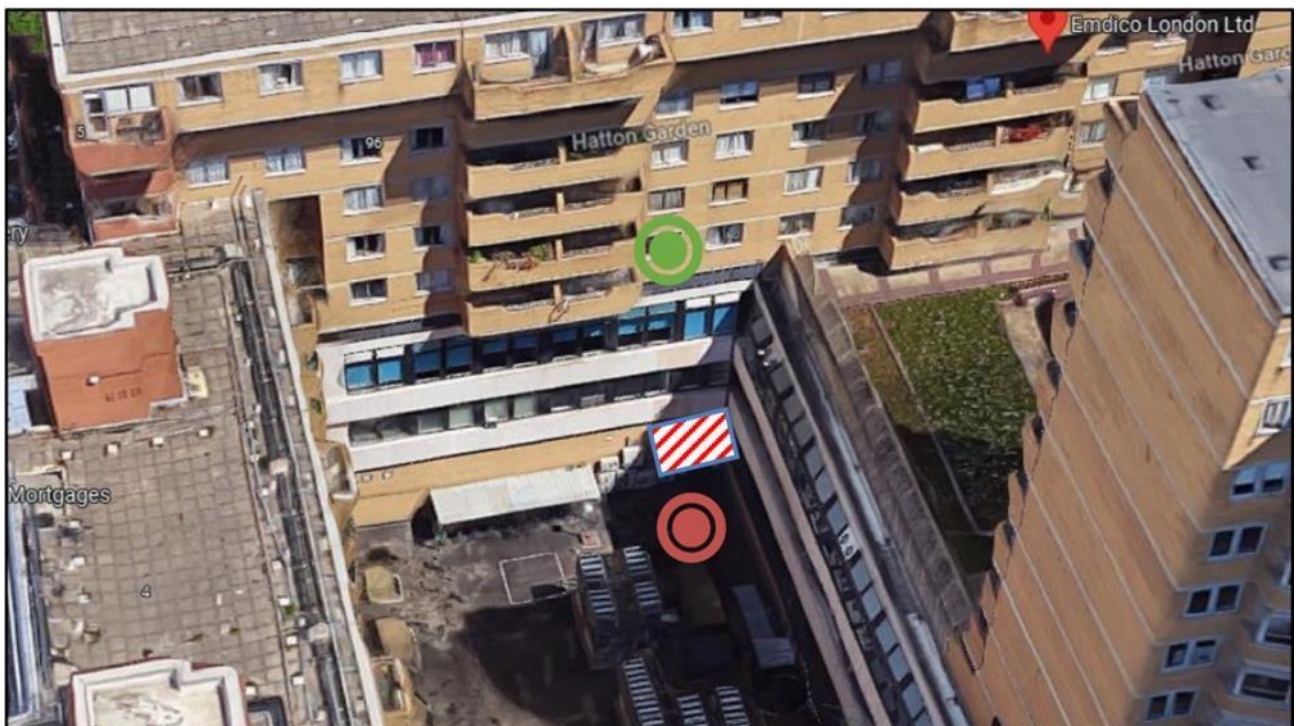
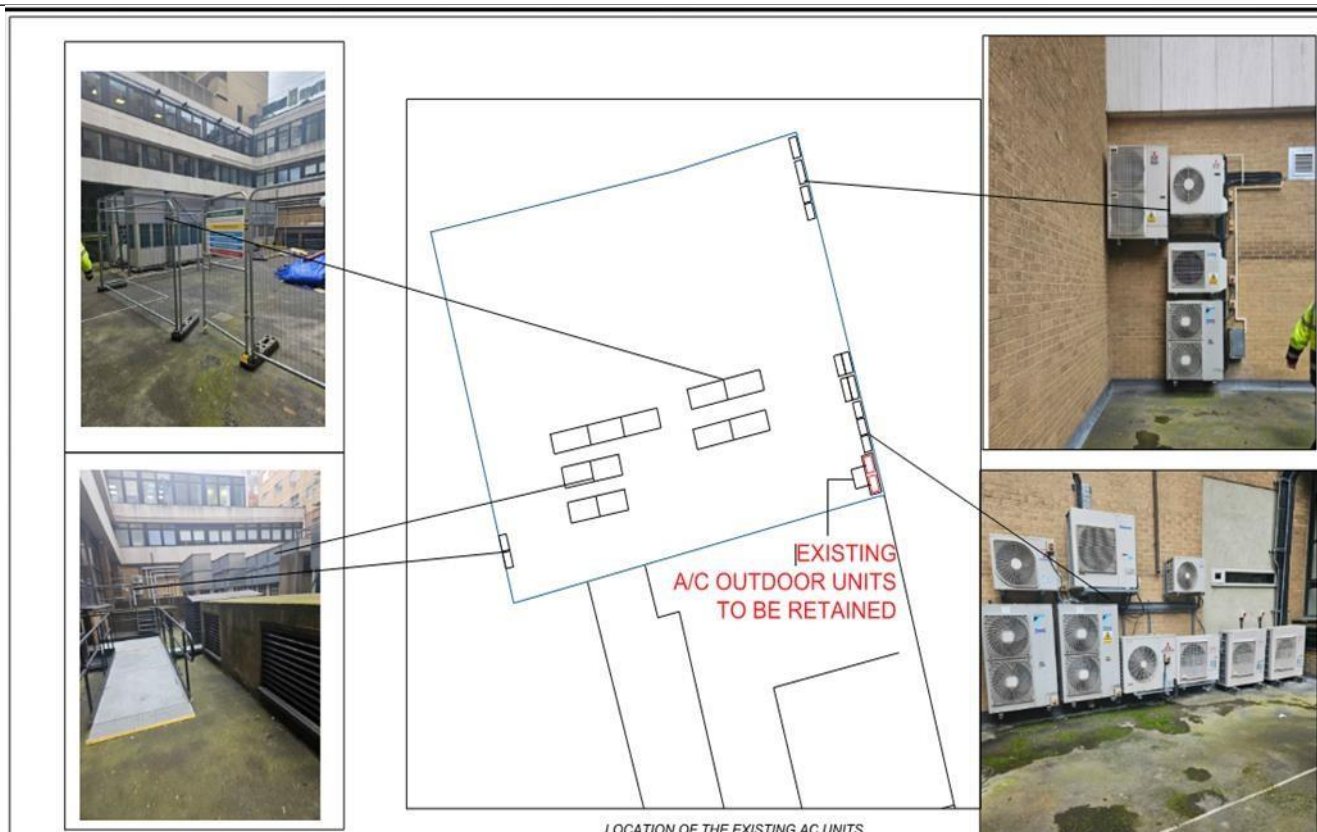


Photo 1 – showing the existing air condenser units location with the nearest residential dwelling.

4.4 The air conditioning unit is a typical compact outdoor unit (measuring 700mm high x 900mm wide x 330mm deep) and is mounted on anti-vibration brackets. However, combined with the proposed acoustic screen, both units would measure approximately 2.1m in width and 1.8m in height.



*Photo 2 – showing the existing air condenser units location.*

4.5 The existing units would be placed within a proposed enclosure and would be located on the west side of the courtyard facing the host site. As such, would not be visible from rear private gardens or local views. Thus, the proposal would not have any discernible impact upon the character and appearance of the building, wider streetscene and would not be widely noticeable from public views at the front and nor from the residential flats to the rear. As such, the proposed development is acceptable in design terms in general accordance with Camden Local Plan Policy D1 and related Camden Planning Guidance.

## **5. Energy efficiency and adaption**

5.1 Local Plan Policy D1 (Design) and Local Plan Policy CC1 expect all developments, whether for refurbishment or redevelopment, to optimise resource efficiency and minimise the effects of climate change.

5.2 More specifically, Local Plan Policy CC2 (Adapting to climate change) and CPG (Energy efficiency and adaption) confirm that the Council generally discourages the use of air conditioning or active cooling except in exceptional circumstances given the additional energy consumption required from operating the equipment and the adverse impacts on the microclimate from the warm air expelled from the equipment. As such, the Council will expect a justification to be provided for any proposals involving the installation of air conditioning equipment and supporting information which demonstrates an appropriate level of mitigation and measures incorporated in line with the London Plan 'cooling hierarchy.'

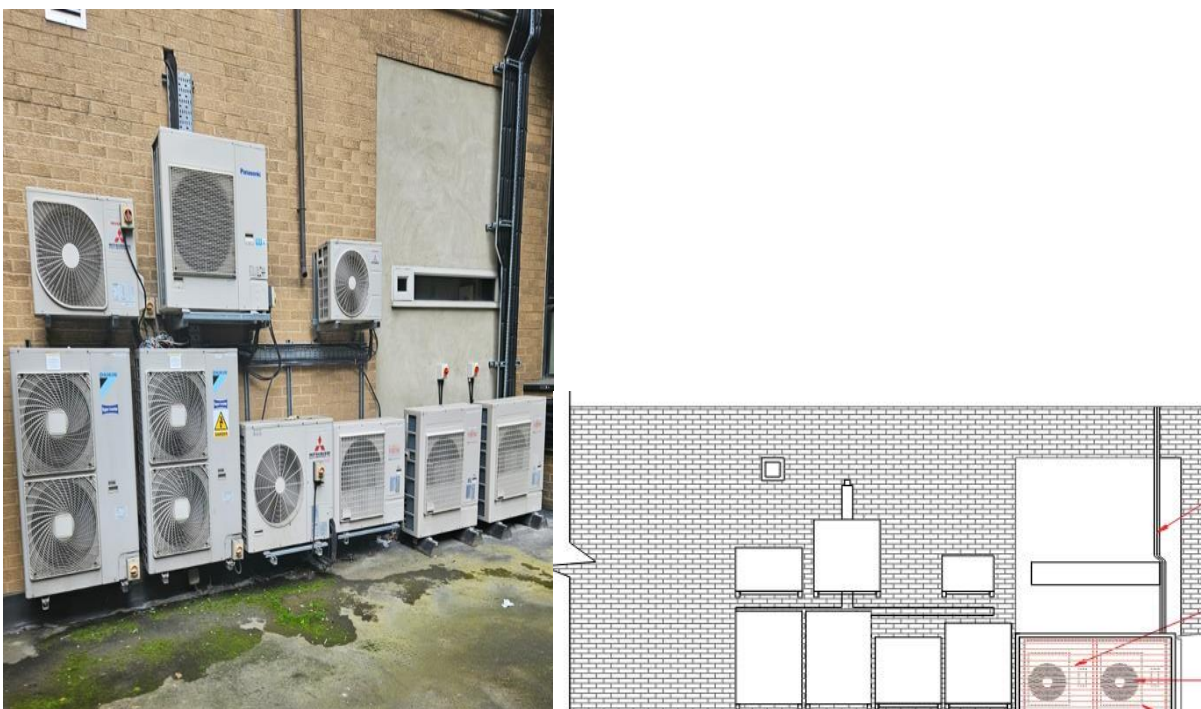
5.3 In support of the application, the applicant has submitted a justification for the proposed air conditioning unit in the form of a written statement (Energy Statement from MES Solutions dated 05/06/2023) which identifies the specific energy efficiency measures already undertaken to control cooling, including any passive measures as recommended in the 'cooling hierarchy.' The measures include the installation of ASHP would be the most viable recommendation. The statement also refers to instances where opportunities for the adoption of passive cooling measures have not been possible and explains the reasons why this is the case.

5.4 Therefore, in this particular instance, and having regard to all the supporting information submitted, it is considered that the need for comfort cooling is justified and demonstrated in

general accordance with Camden Local Plan Policies D1, CC1 and CC2 and related Camden Planning Guidance.

## 6. Amenity

- 6.1 Local Plan Policy A1 (Managing the impact of development) and Camden Planning Guidance (Amenity) seek to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and by only granting permission to development that would not harm the amenity of communities, occupiers and neighbouring residents.
- 6.2 More specifically in regard to the proposal, Local Plan Policy A4 (Noise and vibration) confirms that planning permission will only be granted for noise generating development, including any plant and machinery, if it can be operated without causing harm to amenity.
- 6.3 The application is accompanied by a Noise Impact Assessment from KP Acoustics (ref. 26706.PCR.01) dated 03/05/2023. The agent confirmed that between 30-40 units are located within a few metres of the proposed units and it is not satisfied that the details of measures to mitigate noise and/or fume emissions and vibration, details of methodology and examples of calculations and assumptions made it is unclear if this is accurate and the submitted NIA not considered to be in accordance with planning Policy A1. This data would then be assessed by the Council's Environmental Health Team to confirm that the proposals would not exceed the Council's noise standards, and not have an impact on the amenity or occupiers or neighbouring properties.
- 6.4 As shown in image 3 below, the drawing submitted with the application indicate that some of the units consist of acoustic enclosure, which further question the accuracy of the submission which is of great concern. Moreover, as indicated by the consultation objection by Gamages Tenants and Residents Association indicate that the existing units are currently contributing to noise nuisance, this is contrary to the submitted Noise impact assessment. The proposal is having a cumulative impact, and this combined with the submitted Noise Impact Assessment which fails to provide evidence that the 30-40 air condenser units forms part of the background noise assessment. Thus, the proposal fails to demonstrate that retaining the 2 x air condenser units would comply with Camden's noise standards such that the amenities of the residential occupiers at the property and the area generally are safeguarded. Thus, the proposal would be contrary to A1 and A4 of the Camden Local Plan 2017.



*Photo 3 - showing the existing air condenser unit arrangement and the proposed drawing.*

6.5 Overall, the proposal is having a cumulative adverse impact on the amenity of residential occupiers in terms of noise and vibration. As such, the proposal is contrary to Camden Local Plan Policies A1 and A4, and related Camden Planning Guidance in this regard.

**7.0 Refused and Warning of Enforcement Notice to be issued:**

**7.1** That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 as amended to remove the 2 x air conditioning units and the canopy on the front elevation and officers be authorised in the event of non-compliance, to commence legal proceedings under Section 179 or other appropriate power and/or take direct action under Section 178 in order to secure the cessation of the breach of planning control.

**7.2** The notice shall allege the following breaches of planning control:

1. Installation of 2 air conditioning units to the rear courtyard.

**WHAT ARE YOU REQUIRED TO DO:**

1. Permanently remove the 2 air conditioning units;
2. Make good any resulting damage.

**PERIOD OF COMPLIANCE:**

**7.3** The Notice shall require the removal of the units take place within a period of 3 months of the Notice taking effect:

**REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE:**

The submitted supporting information is considered insufficient to demonstrate that the Council's noise conditions would be complied with and that the proposed plant will not cause noise disturbance and a loss of amenity to residential neighbours. The proposals is therefore contrary to policies A1 (Amenity for occupiers and neighbours) and A4 (Noise and vibration) of the Camden Local Plan 2017.

The 2 x air condenser units are having a cumulative impact with the amenity of residential occupiers in terms of noise and vibration contrary to policies A1 (Amenity for occupiers and neighbours), A4 (Noise and vibration) of the Camden Local Plan 2017.