



GREEN CODE CONSULTANTS

12 Berghem Mews, Blythe Road
London, W14 0HN
planning@greencode-architects.com
020 800 444 64

STATEMENT OF CASE

Suite 108/109 - 100 Hatton Garden, EC1N 8NX

Planning application ref. 2023/2445/P

ref. GCC129FL

03th September 2024

Key Information

Application reference	2023/2445/P
Application type	Full Planning Permission
Decision Date	8 May 2024
Site Address	100 Hatton Garden, London, EC1N 8NX
Description	Retention of 2 x air condenser units within the internal courtyard and installation of new acoustic screens at ground floor level.
Local Planning Authority	Camden London Borough Council
Appellant	Emdico Limited

Statement Details

Reference No.	GCC129FL
Prepared by	Mr Carozza Andrea
Checked	Mr Barry Hayes
Date	03th September 2024
Version	V.01
Company	Green Code Consultants Ltd

CONTENTS

- 1.0 INTRODUCTION
- 2.0 SITE DESCRIPTION
- 3.0 PLANNING HISTORY
- 4.0 PLANNING POLICIES
- 5.0 PROPOSAL
- 6.0 STATEMENT OF CASE
- 7.0 SUPPORTING DOCUMENTS
- 8.0 CONCLUSION

1. INTRODUCTION

- 1.1. Green Code Consultant Ltd, hereinafter referred to as "GCC," has been appointed by Emdico Ltd (the "Client") to prepare and manage the appeal for the refused planning application.
- 1.2. The property subject to this appeal is a commercial unit located within the jurisdiction of Camden Council, specifically at Suite 108/109, 100 Hatton Garden, EC1N 8NX (hereinafter referred to as "the property").
- 1.3. GCC prepared and submitted this Statement of Case on behalf of the Client with the support of F-Line Designs, who managed the application process with Camden Council's planning department.
- 1.4. This Statement of Case represents the Appellant's argument for the appeal of the refused retrospective application (ref. No. 2023/2445/P), dated 08/05/2024, which was submitted on 09/06/2023 and validated on 28/06/2023. The application concerns the "Retention of 2 x air condenser units within the internal courtyard and installation of new acoustic screens at ground floor level" at Suite 108/109, 100 Hatton Garden, EC1N 8NX.
- 1.5. The purpose of this Statement of Case is to assess the site and its planning history before presenting a case in support of the application. It reflects all material planning considerations, relevant facts, and the surrounding context, including comparisons with similar cases and an analysis of applicable policies.
- 1.6. This Statement of Case should be read in conjunction with all supporting documents and drawings submitted as part of the appeal, as indicated in Section 7 of this statement.

2. SITE DESCRIPTION

- 2.1. The site is located within Camden Council's jurisdiction, specifically at Suite 108/109, 100 Hatton Garden, EC1N 8NX, in the Holborn and Covent Garden wards.
- 2.2. It is situated within the Jewellery Quarter of Hatton Garden in central London and forms part of a larger 20th-century complex comprising shops, offices, and residential units.
- 2.3. The entire building plot is bounded by Holborn, Hatton Garden, Greville Street, and Leather Lane, with commercial activity on the ground floor and residential/office units above.
- 2.4. The full plot is registered under Title NGL291482.
- 2.5. Suite 108/109, the specific subject of the application, faces Hatton Garden. The area of concern for the plant location is the internal courtyard on the ground floor at the rear of the site, accessible via a secure gate on Greville Street.
- 2.6. Hatton Garden is one of the main streets in the area, incorporating both residential and commercial zones within a designated opportunity regeneration area.
- 2.7. The property at 100 Hatton Garden is situated within a designated conservation area, although it is not a listed building.
- 2.8. The site has a Public Transport Accessibility Level (PTAL) of 5 and is located within a five-minute walking distance of Chancery Lane and Farringdon stations.

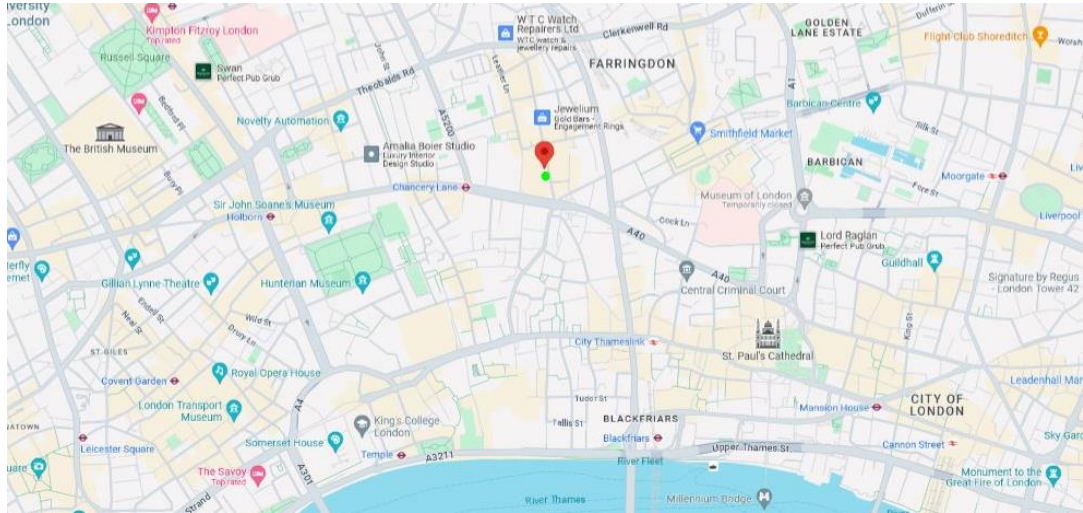


Image 01 - Location plan from Google

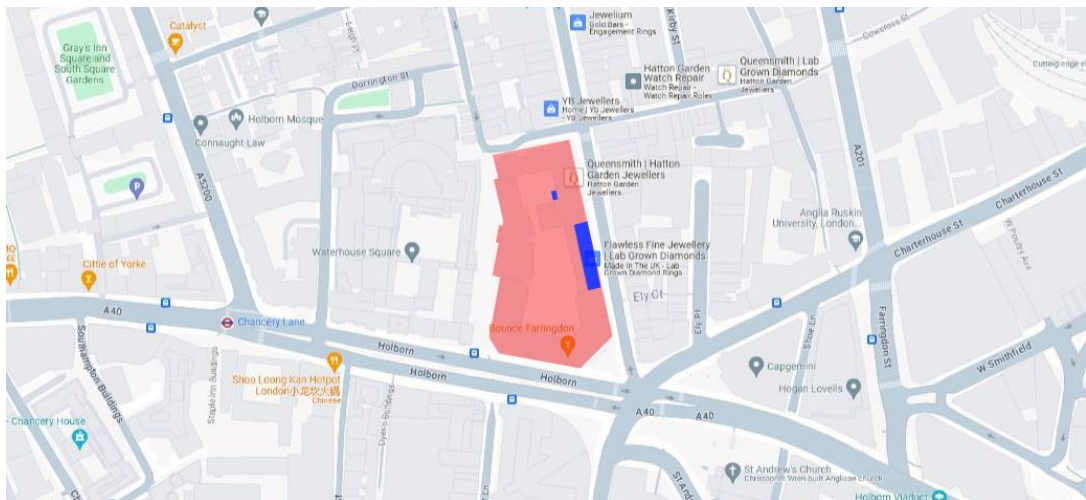


Image 02 - Block plan from Google

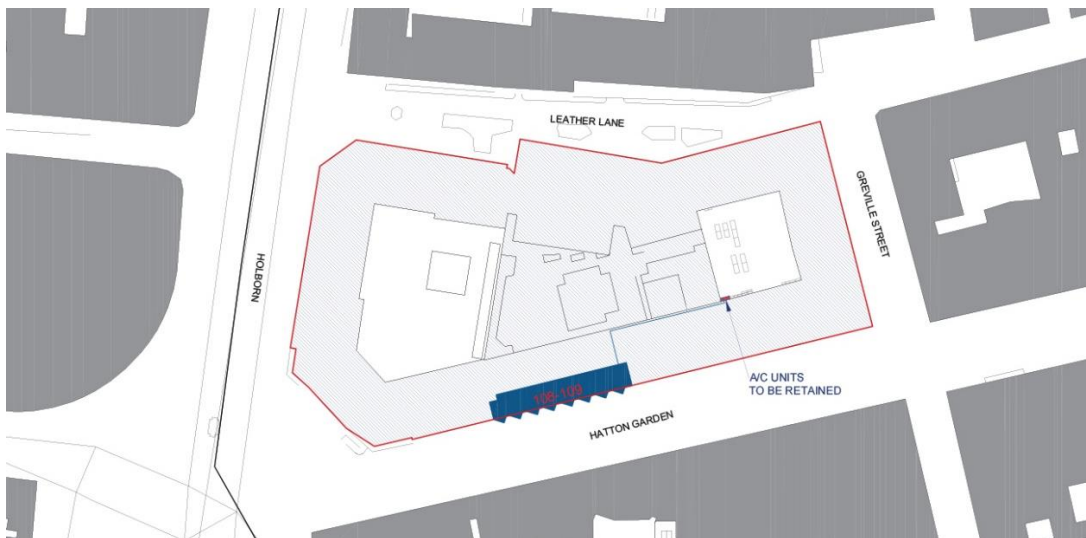


Image 03 - Block Plan extract from Land Registry

- 2.9. The applicant holds a 14-year lease on the building, which is currently used as a jeweller's shop.
- 2.10. The existing jeweller's shop, Suite 108/109, operates during standard working hours, from 10:00 AM to 6:00 PM.
- 2.11. Two air conditioning units are installed in the rear courtyard, which is accessible from Greville Street.
- 2.12. The courtyard contains over 10 other air conditioning units installed in various locations, as identified in the attached plans and reports.

3. PLANNING HISTORY

- 3.1. **2023/2445/P** – Retention of 2 x air condenser units within the internal courtyard and installation of new acoustic screens at ground floor level – **Refused** –

4. PLANNING POLICIES

- 4.1. **National Planning Policy Framework 2023**
- 4.2. **The London Plan (2021)**
- 4.3. **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
- 4.4. **Camden planning guidance (2021)**
 - CPG Design
 - CPG Home Improvements
 - CPG Amenity
 - CPG Energy efficiency and adoption

5. THE PROPOSAL

- 5.1. The client, acting as the applicant, appointed F-Line Designs Ltd, an architectural company, to submit a retrospective full planning application in order to regularize the installed external air conditioning (A/C) units in line with the Council's policies and requirements.
- 5.2. F-Line Designs Ltd conducted a measured and photographic survey, supported by KP Acoustics, who provided calculations and mitigation measures for sound.
- 5.3. KP Acoustics performed a site survey, assessing the specifications of all installed machines and identifying the nearby receptors potentially affected by the installed plant machinery.
- 5.4. The air condenser units are currently operational and provide air conditioning to ensure the commercial space functions during daytime hours.
- 5.5. The existing outdoor air condenser units are located in the internal courtyard, which serves as a common amenity area. This courtyard is bounded on the ground floor by commercial and office units, with residential flats situated on the upper floors to the north and east sides.
- 5.6. The air conditioning units are standard compact outdoor units, measuring approximately 700mm high, 900mm wide, and 330mm deep. These units are mounted on anti-vibration brackets. With the proposed acoustic screen, the combined dimensions of both units would measure approximately 2.1m in width and 1.8m in height.

- 5.7. The existing units will be enclosed in a proposed structure and located on the west side of the courtyard, facing the host site. As such, they will not be visible from the rear private gardens or prominent local viewpoints. The proposal, therefore, would not have a discernible impact on the character and appearance of the building, nor on the wider streetscape, and would not be widely noticeable from public views or the residential flats to the rear.
- 5.8. According to the KP Acoustics Noise Assessment and Planning Compliance Report, the nearest residential window is approximately 12 meters away from the units.
- 5.9. The proposal confirms that the existing units will be retained, subject to the installation of sound mitigation measures within the enclosure.
- 5.10. KP Acoustics specified and demonstrated acceptable noise levels at the nearest receptor, alongside proposed mitigation with acoustic screening panels.
- 5.11. The proposal aligns with the local plan's guidelines for adapting to climate change and energy efficiency.
- 5.12. An Energy Statement, prepared by MES Building Solutions, an environmental consultancy firm, was submitted with the planning application. This report aims to demonstrate the opportunities for adopting passive cooling measures in line with climate change adaptation and energy efficiency guidelines. However, it was concluded that passive cooling is not feasible in this instance.

6. STATEMENT OF CASE

- 6.1. This Statement of Case is submitted in support of the appeal against the refusal of retrospective planning application 2023/2445/P, which was submitted on 09/06/2023 and refused on 08/05/2024, under the Town and Country Planning Act 1990.
- 6.2. The Local Planning Authority (LPA) received the full planning application on 13/06/2023, along with all supporting documents, which are referenced in Section 7 of this statement.
- 6.3. The Noise Assessment submitted with the application was prepared by KP Acoustics, a registered acoustic consultant (Company No. 7947892). The assessment is referenced as 26106.PCR.01 and is further discussed in Section 7 of this statement.
- 6.4. The Energy Assessment, also submitted with the application, was prepared by MES Building Solutions (Company No. 922697009). The Energy Statement, dated 05/06/2023, addresses local planning policy CC2 (Adapting to Climate Change) and the Camden Planning Guidance (CPG) on energy efficiency and adaptation. Further details are provided in Section 7.
- 6.5. During the application review process, there were multiple communications between the LPA and the applicant's agent. The first request from the council, dated 05/07/2023, was in response to public objections, detailed below (see Section 7 for full correspondence):

- **Objection:**

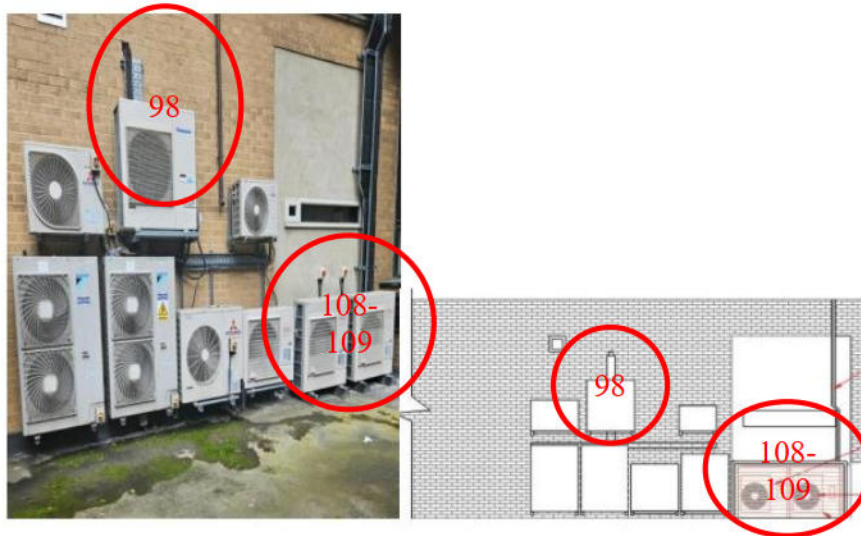
Representatives of the local authority estate above the courtyard expressed concerns on behalf of over 1,000 residents. They oppose the application, citing ongoing disputes with the freeholder regarding noise from existing plant units. They report that the current noise levels have prompted legal action and involvement from both the LBC and a local councillor. With over 100 air conditioning units already in place, they believe adding new units will worsen the impact on residents' quality of life. They further allege that noise buffering for existing units has not been adequately implemented by the freeholders.

- **Response:**

The applicant submitted the planning application to retain two existing outdoor air conditioning (AC) units. It appears there is a discrepancy in the reported number of units. While the objection suggests there are 30-40 units within the courtyard, the applicant's responsibility is limited to the two units under this application. The applicant is aware of the objections and complaints regarding the noise from other units. However, the Noise Assessment confirms compliance with required noise standards, and mitigation measures, including enclosures and anti-vibration mounts, will be implemented to minimize any impact. These measures will be integral to the application. The applicant, a leaseholder for 14 years, is committed to ensuring that the operation of the two AC units respects the neighbouring community.

- 6.6. The LPA requested amendments to the acoustic enclosure drawings on two occasions. Revised drawings (Rev 3 and Rev 4) were submitted on 18/01/2024 and 31/01/2024, respectively. (See Section 7 for details.)

- 6.7. Revisions to the Noise Assessment were also requested by the LPA, and two updated reports were submitted by KP Acoustics. (See Section 7.)
- 6.8. Additional information was provided upon request by the LPA and the Environmental Health (Noise) Officer. (See Section 7.)
- 6.9. The LPA refused the development for the following reasons, as outlined in the decision letter:
1. 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 are therefore contrary to policies A1 (Amenity for occupiers and neighbours), and A4 (Noise and vibration) of the Camden Local Plan 2017.
 2. The 2 x air condenser units are having a cumulative impact on 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.
- 6.10. One of the key reasons for refusal was the claim that the applicant had not sufficiently demonstrated compliance with the council's noise standards, leading to concerns about the loss of amenities to neighbouring residents. However, KP Acoustics, a recognized noise consultant, also provided a noise assessment for a similar planning application (ref. 2021/5743/P) at No. 98 Hatton Garden. That application, for the replacement of an AC unit, was approved under the same policies (Camden Local Plan policies A1 and A4, as well as the methodology in the National Planning Policy Framework and Planning Practice Guidance). The site is located in the same courtyard as the subject property (Nos. 108-109 Hatton Garden).



- 6.11. Comparing both reports, it is clear that the assessment procedures used for both applications are consistent and in compliance with Camden Local Plan policy 6.89, which addresses the assessment of noise and vibration impacts. Both proposals align with policies A4 (Noise and Vibration) and A1 (Managing the Impact of Development).
- 6.12. This matter was discussed with KP Acoustics, who confirmed that both noise assessments were conducted in accordance with the same council policies and noise thresholds as outlined in Appendix 3 of the Camden Local Plan. A statement from KP Acoustics supporting this appeal is attached (see Section 7).
- 6.13. The applicant has also agreed to install noise screening panels for the existing units as per KP Acoustics' recommendations. Specifications for these panels were submitted to the LPA (see Section 7).
- 6.14. Additionally, the applicant is willing to accept any further conditions proposed by the council's Environmental Health team, if deemed necessary. (See Section 7)

6.15. Given the precedent for such approvals in the surrounding area, we respectfully request that the Planning Inspectorate dismiss the enforcement action and grant the application based on policy compliance.

7. SUPPORTING DOCUMENTS

- 7.1. Decision Notice
- 7.2. Officer Report
- 7.3. List of submitted drawings/ Documents
 - 7.3.1. Application Form
 - 7.3.2. Location Plan
 - 7.3.3. Existing and Proposed Block plan
 - 7.3.4. Existing and Proposed Floor plan
 - 7.3.5. Existing and Proposed Plan
 - 7.3.6. Existing and Proposed elevation
 - 7.3.7. Photographic Description
 - 7.3.8. Revised Location Plan
 - 7.3.9. Revised Block plan
 - 7.3.10. Revised Existing plan
 - 7.3.11. Revised Existing and Proposed Elevation
 - 7.3.12. Revised Photographic description
 - 7.3.13. Acoustic Enclosure
- 7.4. DAS Design Access Statement
- 7.5. Revised Design Access Statement
- 7.6. KP Acoustics – Noise Assessment Report
- 7.7. KP Acoustics – Noise Assessment Report Rev A
- 7.8. KP Acoustics – Noise Assessment Report Rev B
- 7.9. MES Building Solutions – Energy Assessment Report
- 7.10. Consultation Response
- 7.11. Grounds of Appeal Statement (Statement of the case)
- 7.12. Appeal Form

- 7.13. KP Acoustics – Compliance letters in support of the appeal
- 7.14. Pre-notification of Appeal letter
- 7.15. Full documentation of approved application at 98 Hatton Garden
 - 7.15.1. Application Form
 - 7.15.2. Decision Notice
 - 7.15.3. Site Plan
 - 7.15.4. Existing and Proposed Elevations
 - 7.15.5. KP Acoustics Report 98 Hatton Garden
- 7.16. PO's correspondence
- 7.17. Appeal Notice - Form 2B