

Delegated Report (Members Briefing)		Analysis sheet	Expiry Date:	11/10/2010
		N/A / attached	Consultation Expiry Date:	21/9/2010
Officer			Application Number(s)	
Hugh Miller			2010/4558/P	
Application Address			Drawing Numbers	
33 Endell Street London WC2H 9BA			Refer to draft decision notice.	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Installation of air conditioning unit to rear first floor roof level for basement and ground floor retail unit (Class A1).				
Recommendation(s):	Grant			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice
Informatives:	

Consultations

Adjoining Occupiers:	No. notified	16	No. of responses	00	No. of objections	00
			No. Electronic	00		

Summary of consultation responses:	Site Notice displayed 27/8/2010, expires 17/9/2010. No response.
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CAAC/Local groups* comments: *Please Specify	<u>Covent Garden Community Association (CGCA):</u>
	<p><u>Object.</u> We wish to object to this application as the nearest residential accommodation at 1d, Nottingham Court is much closer than 15 metres stated in the supporting documentation, with the ensuing noise nuisance.</p> <p>Officer Comment: Please see section 4 of the assessment. In addition, notwithstanding the above, it is important to note that there is an existing AC unit located on the roof of nos.33-35, which is closer to 1d Nottingham Court and to date no complaints about noise nuisance have been received. The proposed AC unit would be at a lower level and would be enclosed with acoustic shielding to minimise noise nuisance, as detailed in paragraphs 4.2-4.5 below.</p>

Site Description

A basement plus 5-storey plus a 2-storey closet wing terraced property situated on the west side of Endell Street, south-west of the junction with Shorts Gardens. The building has multiple occupancies and comprises retail A1 use at basement plus ground floors, office B1 use at first & second floors and residential C3 use at third and fourth floors. The building is within the Seven Dials/ Covent Garden conservation area. The building is not listed but is identified as making a positive contribution to the character and appearance of the conservation area.

Relevant History

- July 2010 - PP Refused -Installation of air conditioning unit to rear 1st floor roof level of retail/residential building (Classes A1 and C3).
- **33-35 Endell Street**
- October 2007 PP granted - Change of use from 2 self-contained flats to one self-contained maisonette at third and fourth floor levels; ref. 2007/3796/P
- April 2002 PP granted - The installation of four air conditioning units surrounded by an acoustic screen, on a first floor roof to the rear; ref. PSX0104943. The units were not installed and the permission has now expired.
- November 2000 – PP granted - Change of use of the third and fourth floors from Class B1 (employment) to C3 (residential) providing 2 x 2 bedroom flats; ref. PS9904857
- December 1999 – PP granted - Change of use of the ground floor and basement from B1/B8 (employment) floorspace to A1 (retail), and the installation of a new shop front, together with the erection of a roof balustrade; ref. PS9904709

Relevant policies

RUDP 2006

SD1 – Quality of Life;
SD6 – Amenity for occupiers and neighbours;
SD7 – Light, noise and vibration pollution;
SD8 – Disturbance;
B1 – General Design Principles;
B3 – Alterations and extensions;
B7 – Conservation areas
Appendix 1 – Noise and vibration thresholds

Camden Planning Guidance 2006

Section 28: Noise and vibration

Seven Dials (Covent Garden) Conservation Area Statement

LDF Core Strategy and Development Policies

The Inspector's Report into the Camden Local Development Framework Core Strategy and Development Policies Development Plan documents ("DPD"s) was published on 13th September and found the policies in the DPDs to be sound. This means "considerable weight" can now be given to these LDF policies even though at this stage they have yet to be formally adopted by the Council. Where there is a conflict between UDP policies and these LDF policies the Planning Inspectorate would consider it reasonable to follow the latter. However prior to formal adoption UDP policies should still be taken into account as the Council's adopted Development Plan.

LDF Core Strategy

CS1- Distribution of growth

CS5- Managing the impact of growth and development

CS14- Promoting high quality places and conserving our heritage

Development Policies

DP24- Securing high quality design

DP25- Conserving Camden's Heritage

DP26- Managing the impact of development on occupiers and neighbours

DP28 – Noise and vibration

Assessment

1.0 Background

1.1 As noted above, the Council refused planning permission in July 2010 for the installation of a new Daikin RXYQ12 heat pump unit mounted on vibration isolation frame and legs to the flat roof area at rear first floor level for reason as follows:

The submitted acoustic information is considered insufficient to demonstrate that the Council's noise conditions will 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 SD6 (Amenity for occupiers and neighbours), SD7 (Light, noise and vibration pollution), SD8 (Noise and disturbance) and Appendix 1 of the London Borough of Camden Replacement Unitary Development Plan 2006.

1.2 This application therefore represents re-submission, based on more information submitted by the applicant.

2.0 Proposal

2.1 The current proposal is similar to the previous refusal scheme of July 2010, i.e. the installation of air conditioning unit to rear 1st floor roof level of retail/residential building (Classes A1 and C3).

3.0 Design

3.1 The proposals is for the installation of a new Daikin RXYQ12 heat pump unit mounted on vibration isolation frame and legs to the flat roof area at rear first floor level. The position of the unit on the rear flat roof where it would not be visible from the public realm; the area being enclosed by neighbouring buildings. The location is thus considered an acceptable location for such plant, not harmful to the appearance of the host building or the character and appearance of the conservation area. Moreover, the setting of the neighbouring listed building would be preserved.

4.0 Amenity for occupiers and neighbours

4.1 The nearest residential units are located at 3rd and 4th floors of the host building, 2nd and 3rd floors at no.31 Endell Street (Public House); the 3rd and 4th floors at 33-35 and the upper floors of no.37 Endell Street. The nearest residential windows are thus located on the host building, nos. 31; 33-35 and 37 Endell Street.

4.2 The windows closest to the proposed air condition unit are non-residential and are ancillary office floorspace to nos.33-35 Endell Street.

4.3 To the north-west on the roof, first floor level of no.33-35 Endell Street there is an existing air conditioning unit which, based on the officer site visit, is visible from the rear of the host and adjacent residential units. It should be noted that the Council has no record of noise nuisance complaints from adjacent occupiers pertaining to this existing air conditioning unit.

4.4 Moreover, the applicant has submitted an updated and more comprehensive acoustic report. The acoustic report refers to the noise survey which was conducted on 27th July 2010 between 10.00am to 7.00pm. The times of the survey correspond with the hours of operation of the proposed air condition unit (as denoted in the acoustic report). A condition is recommended to be added to ensure this; thereby protecting residential amenity outside of these times.

4.5 The acoustic report refers to pre-existing noise levels from two large extract ducts and cowls from the Cross Keys Public House at 31 Endell Street. It noted consistent noise levels except for the period between 3.00pm – 4.00pm when a Metropolitan Police Helicopter was hovering close by for some 25 minutes. The proposed unit would be semi-enclosed on three sides with 50mm thick acoustic absorbent panels. They will provide sound absorption and “acoustic shielding” and will reduce the operating noise level at the nearest residential properties. The Council’s Environmental Health officer has fully assessed the submitted acoustic report. It is considered that sufficient justification has now been provided to indicate that the proposed unit will comply with the Council’s noise standards. The Council’s standard noise condition is nevertheless recommended to be added in order to protect the residential amenity of neighbouring occupiers in the future.

5.0 Conclusion

5.1 It is considered that the installation of the air conditioning unit would not result in material harm in terms of design and appearance of the host building or the character and appearance of the conservation area. The submitted acoustic report has demonstrated that the mitigating measures would ensure that there is no harm to residential occupiers’ amenities (noise nuisance) at nearby buildings. The proposal is therefore considered appropriate.

6.0 Recommendation. Grant planning permission

DISCLAIMER

Decision route to be decided by nominated members on Monday 18th October 2010. For further information see

<http://www.camden.gov.uk/ccm/navigation/environment/planning-and-built-environment/planning-applications/development-control-members-briefing/>