



13 August 2010

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Planning and Built Environment  
Camden Town Hall  
Judd Street  
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WC1H 9JE

Dear Sir/Madam

**PLANNING APPLICATION FOR THE ERECTION OF AN AIR HANDLING UNIT, A MOUNTED EXTRACT FAN, WITH ASSOCIATED DUCTWORK AND ENCLOSURES AT REAR FIRST FLOOR LEVEL REQUIRED IN ASSOCIATION WITH THE EXISTING COMMERCIAL USE AT BASEMENT LEVEL, LAND AND PREMISES AT 12 ENGLAND'S LANE, LONDON NW3 4TG.**

On behalf of our client, Mandarin Investments Ltd, please find enclosed a planning application for a proposed ventilation/heat exchange unit at the rear first floor level of 12 England's Lane.

Please find enclosed the appropriate Planning Application Fee of £335, as well as the original and 3 copies of the following documentation and drawings:

- Completed Planning Application Forms & Certificates
- Design & Access Statement dated August 2010
- Site Location Plan
- Existing Site Elevation Plan – ME01-01
- Existing Site Plan & Section – ME01-02
- Proposed Site Elevation – ME01-04
- Proposed Site Plan and Section – ME01-03
- Mechanical Services New Air Handling Unit and Ductwork Configuration Drawing (incl. Roof Plan @ 1:20) – MDE3670-M-01 Rev D
- Noise Impact Assessment - 2227 NIA 04 Rev A dated 12th August 2010

A previous ventilation system at the application site was required to be removed to avoid planning enforcement action. However, Building Regulations require that an adequate means of ventilation is provided for people in occupied spaces, and it is noted that the basement retail premises is at present operating without the benefit of adequate ventilation.



LRQ 400 3060

At this location, a mechanical system is required as there is no means for natural ventilation to serve the basement retail unit. To not have ventilation in the basement is therefore a breach of building regulations and health and safety legislation

This is not a material planning consideration in the determination of this application, the primary purpose of which is nevertheless to correct this situation and ensure that adequate ventilation equipment is provided to comply with building regulations and health and safety legislation, whilst also satisfying the requirement for planning permission.

The remainder of this correspondence therefore addresses the background and further rationale for the development proposal.

## **Site Description**

The application site comprises of a light well located to the rear of 12 England's Lane, a mid terrace four storey property with commercial uses at basement/ground floor level and residential flats on the upper floors. The property is located within the Belsize Park Conservation Area.

Beyond the commercial uses located at ground/basement floor level along England's Lane, the predominant land use in the area is residential. In relation to the application site specifically, the immediate neighbouring uses are residential, including as above, flats at the upper floors of 12 England's Lane and residences on Elizabeth Mews, which back onto the lightwell at the rear of the application premises.

## **The Proposed Development**

The proposed development comprises of an air handling unit, a mounted extract fan, and associated ductwork, all to be located within the light well as shown on the accompanying plans. This is to provide ventilation for the basement commercial unit following the requirement to remove ventilation equipment previously located here and subsequent to the outcome of an enforcement appeal, further details of which are set out below.

Manufacturing and model details for the proposed equipment are set out on Drawing Ref. No. MDE3670-M-01 Rev D and within the accompanying Noise Impact Assessment (Practical Acoustics, 12 August 2010). The design, dimensions and materials are listed within these drawings and statements.

Both pieces of proposed equipment are to be enclosed. This is to ensure that both their visual and noise impacts are minimised and kept to within acceptable levels to ensure the amenity of nearby residential properties.

### ***Air Handling Unit***

The proposed air handling unit will be housed within an enclosure which will be designed to incorporate the following:

- A frame work to be constructed of 75x50mm treated timber stud work.
- Cladding to consist of 18mm exterior quality ply wood screwed to the face of the studs.
- 75mm acoustic insulation fitted between the stud work.
- To the exterior of the ply wood cladding brick slips to be chemically stuck in position and pointed to match the existing building.
- The cover to be 18mm exterior ply on a 50x50mm stud frame with mineral felt covering as existing flat roof.
- Louvre vents where required for ventilation to be powder coated aluminium.

The materials listed above have been chosen to ensure that the proposed housing for the air handling unit will closely match those brickwork and roofing materials already present within the light well.

In addition to the proposed enclosures and noise absorptive insulation as set out above, it is also proposed to use a silencer in the ductwork to further reduce noise emissions from the proposed air handling unit.

### ***Extract Fan***

The proposed extract fan, which is to be located beneath the existing cantilevered section of the rear of the building, is to be entirely enclosed behind aluminium louvred panels. These panels will project downwards from the existing cantilever but will not project further outward on to the rear light well area. This is to avoid the creation of significant further bulk by ensuring that only the area which is already overhung by the existing cantilever will be enclosed. The louvred panels will then be painted to match the existing cantilever.

## Background

The following describes the planning background and context which has led to this planning application.

In 2006, planning permission (Ref. No. 2006/3988/P) was granted for the erection of a two storey extension at basement and ground floor level to provide additional floorspace for the existing retail unit, plus erection of a roof extension and change of use of existing maisonette to provide two one bedroom flats and one three bedroom maisonette.

In 2007, planning permission (Ref. No. 2007/3817/P) was granted for the installation of a replacement shopfront at ground floor level. This included a third door within the shopfront to allow for separate access to be provided to the basement, thus enabling it to be used as a separate retail unit.

In August 2008 (Ref. 2008/3359/P), a planning application was submitted for the provision of an external ventilation/heat exchange unit to the rear elevation lightwell area to serve the commercial unit at basement level. The application was subsequently withdrawn.

In November 2008, a planning application (Ref. No. 2008/4910/P) was submitted for the retention of the existing ventilation/heat exchange unit at the rear first floor level. In March 2009, LB of Camden refused planning permission on the grounds that the unit, by reason of its excessively large and unsightly appearance, was considered to be a dominant and obtrusive structure within the application site, and on the grounds that it would cause a noise nuisance to adjacent residential properties. An enforcement notice (Ref. No. EN07/0762) alleging a breach of planning control was then issued in June 2009.

A joint planning/enforcement appeal (Ref. No's. APP/X5210/C/09/2108958 & APP/X5210/A/09/2107026) relating to LB of Camden's decision to refuse planning permission was subsequently dismissed on 30 December 2009. In dismissing the appeal, the Inspector's conclusions can be briefly summarised as follows:

- In their setting, the unit and ducting are incongruous, visually intrusive features, which harm the outlook from Flat 1 (12 England's Lane) and also from the mews dwelling opposite. (*Appeal Decision, Paragraph 5*)

- Details submitted in respect of a proposed acoustic barrier do not provide a sufficient basis to demonstrate that such a barrier could be constructed to deal satisfactorily with noise emissions from the unit and address the Council's concerns regarding noise funnelling, while successfully disguising its appearance and not adding materially to its overall bulk. (*Appeal Decision, Paragraph 8*)
- Retaining the unit would have a harmful effect on the living conditions of neighbouring occupiers, with regard to their outlook and to the potential for noise and disturbance. This would conflict with saved policies SD6, SD7, and SD8 of the Camden Replacement Unitary Development Plan (June 2006) with regard to outlook of neighbours, noise disturbance and the potential for disturbance from the operation of plant or machinery. (*Appeal Decision, Paragraph 9*)

For ease of reference, a full copy of the Appeal Decision is attached to this letter at **Appendix 1**.

## Planning Policy - Issues & Analysis

The key issues relevant to this application relate to design and noise. Consideration is given to applicable planning policy and the findings of the Planning Inspector in determining the recent appeal.

### Noise Issues

**PPG24** sets out the Government's policies on noise related planning issues and gives guidance to local authorities in England on the use of their planning powers to minimise the adverse impact of noise.

**Policy 4A.20** of the **London Plan (Consolidated with Alterations since 2004)** sets out guidance in respect of reducing noise throughout London and includes the objective of minimising the existing and potential adverse impacts of noise on, from, within, or in the vicinity of, development proposals. This policy is supplemented by the Mayor's **London Ambient Noise Strategy** which was published in March 2004. Amongst the other policies and proposals contained within, **Policy 73** urges Boroughs to contain within their development plans measures to minimize the adverse impacts of noise. The policy

incorporates measures to protect housing and other noise sensitive activities, which include reducing noise at source.

**Policy SD6** of the Camden UDP sets out that planning permission will not be granted for development if it is considered to cause harm to the amenity of occupiers and neighbours. In assessing any potential harm the Council will consider a range of factors including noise and vibration levels.

**Policy SD7** outlines that unless appropriate attenuation measures are available and are included, the Council will not grant permission for development likely to generate noise/vibration pollution. The policy advises that the Council will have regard to the noise levels set out in Appendix 1 of the UDP, in assessing planning applications.

**Policy SD8** is partly concerned with noise from plant and machinery, and notes that the Council will only grant permission for plant and machinery, including ventilation or air handling equipment, if it can be operated without causing a loss to local amenity and does not exceed the thresholds set out in Appendix 1.

**Appendix 1** of the UDP sets out the Council's noise and vibration thresholds, and contains noise/vibration thresholds for day, evening and night-time dependent on specific uses and their location. **Table E** (below), taken from Appendix 1 of the UDP, sets out the noise levels from plant and machinery above which planning permission will not be granted.

**Table E: Noise levels from plant and machinery at which planning permission will not be granted**

Noise description and location of measurement	Period	Time	Noise level
Noise at 1 metre external to a sensitive façade	Day, evening and night	0000-2400	5dB(A) <LA90
Noise that has a distinguishable discrete continuous note (whine, hiss, screech, hum) at 1 metre external to a sensitive façade	Day, evening and night	0000-2400	10dB(A) <LA90
Noise that has distinct impulses (bangs, clicks, clatters, thumps) at 1 metre external to a sensitive façade	Day, evening and night	0000-2400	10dB(A) <LA90
Noise at 1 metre external to sensitive façade where LA90 >60dB	Day, evening and night	0000-2400	55dB LAeq

The **Camden Planning Guidance (2006)** provides further supplementary guidance on a number of the policies contained within the UDP, including those relating to noise. *Section 28 'Noise and Vibration'* applies to all planning applications that have the potential to cause noise and vibration pollution and those which propose noise sensitive uses in locations where noise and vibration could be a problem.

**Para 28.6** sets out that where the UDP noise and vibration thresholds (Appendix 1) are exceeded and/or appropriate methods of attenuation cannot be achieved then planning permission is likely to be refused.

**Para 28.12** goes on to note that applications will be expected to provide appropriate attenuation methods which alleviate or offset the impact of noise to an acceptable level.

**Para 28.15** outlines that all development proposals that include the installation of plant, ventilation or air conditioning equipment will need to provide detailed acoustic/noise and vibration information in the form of a report at the planning application stage.

**Para 28.18** describes the Council's preference for controlling noise through a range of measures including, attempting to reduce noise at its source or to use noise barriers.

**Para 28.20** outlines the need to take account of Camden's design policies and guidance when considering measures to minimize noise and vibration, setting out that incorporating measures into the design of a proposal which result in a poorly designed scheme will not be considered acceptable.

## Noise Compliance

To ensure compliance with the above planning policy context, a Noise Impact Assessment has been undertaken in support of the proposed development and this report is submitted as part of this planning application. Its findings demonstrate that with suitable mitigation measures in place, the proposed equipment will be within the requirements of the London Borough of Camden and the relevant noise standards as set out above will be complied with. The outlined mitigation measures, including acoustic enclosures, insulation and silencing equipment have been incorporated into the design of the proposed equipment.

In noise terms, the proposed development is therefore considered to fully comply with the

relevant planning policy context insofar as it will incorporate suitable noise mitigation measures to address and adhere to the noise criteria as set by LB of Camden. The potential for any adverse impact upon the amenity of nearby residential properties is therefore considered to be minimal and will not cause a level of disturbance sufficient to warrant refusal of this planning application.

## Design Issues

**PPS1** sets out the overarching planning policies on the delivery of sustainable development through the planning system and states that high quality and inclusive design should be the aim of all those involved in the development process (Paragraph 35).

The **Camden Replacement Unitary Development Plan (June 2006)** sets out a number of design policies that are relevant in respect of the proposed development, including:

**Policy B1** sets out general design principles for development in the Borough, and amongst other criteria, that development should respect its site and setting, improve the spaces around and between buildings (particularly public areas), and seek to improve the attractiveness of an area and not harm its appearance or amenity.

**Policy B3** outlines that the Council will not grant planning permission for alterations and extensions that it considers cause harm to the architectural quality of the existing building or to the surrounding area. In assessing development, the Council will consider a range of factors, including whether building services equipment is appropriately located.

**Policy B7** which is concerned with the character and appearance of conservation areas and sets out that the Council will only grant consent for development in a conservation area that preserves or enhances the special character of appearance of the area.

## Design Compliance

The proposed development complies with these relevant policies insofar as the chosen



design will not impact upon the appearance of the area or harm the amenity of nearby residential properties. Notwithstanding this, it is noted that residents are in any event likely to gain very minimal amenity value only from views on to the rear lightwell area as existing. The limited amenity value that they have will not be harmed further by the proposal.

The equipment is as feasibly small and compact as possible and in this respect, is much smaller than the previous ventilation equipment which has been removed. Owing to its limited scale and minor nature, and its location within a rear light well area which is largely inaccessible and not visible from the public highway, it is considered that the proposed development will have no impact upon the special character and appearance of the Conservation Area and negligible impact on the visual amenity of neighbouring properties.

The visual impact of the equipment will be minimised on the basis that it will be housed within enclosures and will not be visible. The proposed enclosures will comprise materials appropriate to match those already present within the rear light well area in terms of their colour and appearance. As such, the proposed development will not be visually intrusive within the rear lightwell area and will not therefore result in any detrimental visual impact upon the outlook of nearby residential properties.

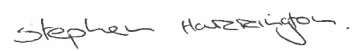
## **Conclusion**

Overall, the proposed development is considered to be acceptable and will not result in any adverse noise or design impacts, thus protecting the amenity and outlook of neighbouring properties. It fully addresses the concerns which have been previously raised by the Council. In addition, it addresses the issues raised by the Planning Inspectorate as they relate to the unacceptable noise and visual impacts of the previous ventilation equipment.

We trust that sufficient information is hereby provided to enable the application to be positively determined thereby facilitating the ongoing operation of the basement unit at 12 England's Lane for commercial purposes.

Please do not hesitate to contact the undersigned should you require any further information.

Yours sincerely

A handwritten signature in black ink that reads "Stephen Harrington".

Stephen Harrington  
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**DPP**

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enc.