

Delegated Report		Analysis sheet		Expiry Date:		12/04/2010	
				Consultation Expiry Date:			
Officer				Application Number(s)			
Jenny Fisher				2010/0689/P			
Application Address				Drawing Numbers			
235-237 Finchley Road London NW3 6LS				See decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Details of means of mechanical ventilation for each residential flat in the building pursuant to condition 3 of planning permission dated 2nd November 2009 (ref. 2008/1454/P) for the change of use from educational use (class use D1) and office use (class use B1) to 9 residential units.							
Recommendation(s):		Approval for discharge of condition 3 of planning permission 2008/1454/P					
Application Type:		Approval of Details					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	00	No. of responses	00	No. of objections	00
				No. electronic	00		
Summary of consultation responses:							
CAAC/Local groups* comments: <small>*Please Specify</small>							
Site Description							
<p>The application site comprises 2 x 4 storey terraced buildings on the south-western side of Finchley Road. The ground floor is in retail use with the upper floors in education (1st and 2nd floors) and office (3rd and 4th floors) use. The upper floors are currently vacant. The area is characterised by a mix of uses, including shops, restaurants, offices and residential; the latter mostly on upper floors.</p> <p>The existing entrance to the upper floors, which leads from the street into an enclosed hallway and to a back open corridor, leads to the residential premises at the rear of 229-233 Finchley Road and offices at 239 Finchley Road. This is a common right-of-way for those occupiers.</p> <p>The site is located on a designated TfL Red Route, and within the Finchley Road town centre and the Kilburn Renewal Area.</p>							
Relevant History							
<p>02/11/2009 (2008/1454/P) Approval for:</p> <p>Change of use from educational use (class use D1) and office use (class use B1) to 9 residential units (2 studio flats; 5 x 1-bedroom flats; 1 x 2-bedroom flat and 1 x 3-bedroom flat) on first to fourth floor level over existing retail use, extension at rear fourth floor level and creation of fourth floor level roof terrace, installation of roof lights on front roof slope and replacement of front and rear windows with powder coated aluminium windows.</p>							

Condition 3

Before the development commences, details of the means of mechanical ventilation for each residential flat in the building shall be submitted to and approved by the local planning authority. The development shall thereafter be undertaken in strict compliance with the approved details, and the mechanical ventilation shall be fully provided for all flats prior to the first occupation of any of the new units.

Reason: To safeguard the amenities of the future occupiers in accordance with the requirements of policies S1, S2, SD6 and SD7 of the London Borough of Camden Replacement Unitary Development Plan 2006.

Relevant policies

Replacement Unitary Development Plan 2006

SD6 Amenity for occupiers and neighbours

SD7b Noise and vibration pollution

LDF Core Strategy and Development Policies

As the draft LDF Core Strategy and Development Policies documents have now been published, they are material planning considerations. However, as a matter of law, limited weight should be attached to them at this stage.

CS1 - Distribution of growth

CS5 - Managing the impact of growth and development

DP28 - Noise and vibration

DP26 - Managing the impact of development on occupiers and neighbours

Assessment

As part of the original submission an acoustic report was submitted concerning the insulation of residential windows on site. Given the site's location adjacent to existing railways and a busy trunk road, LBC Environmental Health Noise Team raised concern about the ambient noise at this location which is very high, indicating that this is not an ideal site for a residential development. Nevertheless, it was acknowledged that since there are already a significant number of residential apartments above commercial units in the immediately surrounding area, it would have been difficult to refuse the application solely for this reason.

The Noise Pollution Team occasionally receive complaints from the occupants of flats above Finchley Road station due to disturbance created by maintenance work which generally takes place at night and from the station PA system. It was considered that the application premises would experience similar noise nuisance in addition to that created by the operation of train services.

The applicant submitted a report indicating that a mechanical ventilation system would overcome the need to open windows for the purpose of ventilation. Accordingly it was considered that subject to conditioning details of mechanical ventilation to all flats [such that future occupiers can choose whether to open their windows or not], on balance the residential development proposed was considered acceptable.

The applicant has submitted floor plans for each floor that shows how fumes would be extracted from kitchens and bathrooms and carried through ducts to be discharged through an exhaust air brick. Exhaust heat pumps are also shown on plans. Vents would be installed at the top of windows. The fourth floor plan includes exhaust air discharged through the roof with roof cowl. The applicant has also submitted details explaining the manner in which the system would operate:

- warm air is drawn into the air duct system;
- fed into heat pump;
- discharged, temperature of air significantly reduced as heat pump has extracted energy in room air;
- heat pump supplies hot water and room heating;
- outdoor air is drawn into the house;
- air is transported from rooms with outdoor air devices to rooms with exhaust air devices.

Council's Environmental Health Officer (pollution) has examined the application and spoken to the ventilation engineer. They are satisfied with the system proposed and since there are no external condensers proposed and the internal fans are minimal raise no objection to this application.

Recommend discharge condition 3

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