

DISCLAIMER

Decision route to be decided by nominated members on Monday 2nd November 2009. For further information see <http://www.camden.gov.uk/ccm/navigation/environment/planning-and-built-environment/planning-applications/development-control-members-briefing/>

Members' briefing		Analysis sheet	Expiry Date:	02/10/2009
			Consultation Expiry Date:	02/09/2009
Officer		Application Number(s)		
Jenny Fisher		2009/3487/P		
Application Address		Drawing Numbers		
Tesco Express 44-46 England's Lane London NW3 4UE		Refer to drawing numbers		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Installation of external ducting and ventilation equipment to replace existing, to the rear of existing shop (Class A1).				
Recommendation(s):		Grant planning permission with conditions		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	32	No. of responses	03	No. of objections	03
			No. electronic	00		
Summary of consultation responses:	<p>Letters of objection have been received from 19 Elizabeth Mews; flat 3, 20 Elizabeth Mews; flat 1, 44 England's Lane Object to increase in noise and vibration, current system is very loud.</p> <p><u>Officer's Comment</u> The purpose of the current application is to address problems caused by existing plant. Should reduce adverse impact currently experienced by adjoining occupiers. Explained in more detail in the assessment of the report below.</p>					
CAAC/Local groups* comments: *Please Specify	<p><u>Belsize CAAC</u> We have serious concerns about the extent and proliferation of air conditioning plant and ducts at the rear of properties in England's lane which have an impact on visual appearance and amenity. There is an individual and cumulative affect to the detriment of the character and appearance of the conservation area. In particular, the rear of England's lane on the north side is visually very prominent. Although attempts have been made to reduce the impact, the proposed exacerbates an already unsatisfactory situation.</p> <p><u>Belsize Resident's Assoc.</u> Notwithstanding the noise report submitted by the applicants, it is clear that considerable noise would be generated by this equipment – 29 dBA is <u>noisy</u> In the middle of the night, and would cause unacceptable disturbance to the flats over, and to adjoining properties. There would also be fumes. Ventilation equipment efficiency depends on constant specialist maintenance – which it may, or may not, receive. Please refuse.</p> <p><u>Officer's report</u> Amenity issues and the applicant's acoustic report are discussed in detail in the assessment of the report. For guidance 29dBA would be at the lower end of decibel levels chart between 20dBA (very quite – whisper) and 50dBA (quite – conversation at home). No cooking fumes to be extracted.</p>					

Site Description

The store occupies the basement and ground floor within a mixed-use parade on the west side of England's Lane. Either side of the site are a café and a hair-dressing salon, next to the café and on a corner at the junction of England's Lane and Primrose Hill Road is a public house.

Floors above the store are in residential use as are the majority of premises surrounding.

The plant room is internal to the building at basement level, intake and discharge openings face into the rear lightwell which is bounded on all sides by high walls. There is no direct access into this area from the store.

Within a designated Neighbourhood Centre and the Belsize Park Conservation Area

Relevant History

2007/2439/P Installation of extract ducts at rear basement level in connection with the existing retail shop (Class A1). Application withdrawn at request of agent to allow continuing discussions with Environmental Health Officers.

10/12/2007 2007/5232/P Application refused for the installation of two extract ducts on the rear elevation at basement level in connection with the ground floor retail unit (Class A1).

Reason:

The Council is not satisfied on the basis of information submitted that the mechanical plant proposed could operate without harm to the amenities of adjoining occupiers by reason of noise nuisance contrary to policies S1/S1 (strategic), SD6 (amenity for neighbours), SD7B (noise/vibration pollution), and SD8A (disturbance from plant and machinery) of the London Borough of Camden Replacement Unitary Development Plan 2006 and supporting Planning Guidance December 2006.

EN09/0037 – Alleged breach - New extract ducts erected at rear without planning permission. Site visit 08/05/2009 by one of the Council's Enforcement Officers who found that extract ducts had not been installed, therefore no breach found.

Relevant policies

Replacement UDP: SD6; SD7; SD8A; B1: B7; appendix 1

Camden Planning Guidance: conservation areas; noise and vibration; plant and machinery

Belsize Park Conservation Area Statement

Assessment

Previous applications for extract ducts

In considering application 2007/5232 the Council's Environmental Health Officer referred to application 2006/5834. Some of the concerns he raised had been addressed, others remained. Prior to the submission of the current application, pre-application site visits and discussions have been carried out by Environmental Health and Planning Officers in an attempt to seek the means to resolve the nuisance associated with the current system of extraction. There is a small light well to the rear of the premises, therefore any disturbance (noise and/or fumes) is accentuated. The applicant's acoustic report submitted with the current application confirms the primary noise source to be extract fans with the intake fan and plant being secondary sources.

Proposed

Combined refrigeration units are installed in a dedicated plant room. Due to the need to keep stock at specific temperatures, the plant room operates 24 hrs. a day, 7 days per week. Space restrictions within the basement plant room do not allow for the installation of sufficient attenuation to existing plant in order to achieve the LBC target level. Existing plant will therefore be removed and replaced with new as follows;

Ducting to reduce the heat and noise from the existing plant room in the basement is proposed.

Internally: existing plant is to be replaced with a 2 fan condenser unit and 1 x 5 compressor pack.

Externally: there would be two chimney ducts and attenuator.

The discharge ducts would terminate at basement level no higher than the top of the existing discharge louvre. The termination section of the ducts would face into the lightwell at 120degrees to the residential window.

Consideration

The main issues for consideration are the impact on neighbour amenity and the character and appearance of the conservation area.

Neighbour Amenity

The nearest residential properties are flats immediately above the store with windows to the rear at first, second and third floors. The intake discharge openings are at basement level and the nearest residential window is at first floor level above the ground floor retail area. The sill of the nearest window assessed is 4.8m. above the plant area. For A3 uses where cooking takes places a duct discharging above roof eaves would be required to enable the appropriate dispersal of odours and fumes, this is unnecessary in this case as no cooking takes place on site.

The Council's Environmental Health Officer has examined the acoustic report dated 16 July 2009 and additional amended information sent by Nigel Fowler, (Noise solutions) on 1st October 2009. Page 3 of the report (Summary Sheet) states the lowest background at night is 38dB (A) and the target noise level at night is 28dB (A). The amended calculation sheet indicates the distance from the nearest noise sensitive premises (residential premises located above) to the plant intake is 6m and 4m to the plant discharge. The amended calculation sheet also indicates the predicted combined noise level including the regenerated noise level at night time is 28dB (A) which meets their target noise level and Camden's noise criteria. However, they have not undertaken any daytime background readings. Their predicted combined noise level during the daytime is 36 dB. This meets the WHO Standards and

BS8233 1999 for indoor ambient noise levels during the daytime and therefore considered acceptable in this case. There is no objection to the application subject to the standard noise conditions being in place.

Due to their location the proposed unit and ducts will not impact on the current levels of daylight, sunlight or outlook experienced by surrounding residential properties.

Impact on Conservation Area

The ducts would not be visible to anyone other than a person leaning out of a window on the upper floors to look directly down into the lightwell. The installation would not harm the appearance of the building, others adjoining, or the character and appearance of the conservation area. As such the proposal complies with policies B1 (general design) and B7 (conservation areas).

Conclusion

The proposed plant that would meet the Council's and WHO standards replacing existing machinery currently creating a nuisance for adjoining occupiers is welcome. The application complies with SD6 (amenity for neighbours), SD7 (noise.vibration pollution), SD8 (disturbance from machinery) and appendix 1 (standards) of the UDP.

Recommend approval subject to conditions. In addition it is recommended that an informative is added to the decision notice advising the applicants that the existing equipment within the lightwell shall be removed within 2 months of the date of the decision notice.