

Delegated Report		Analysis sheet		Expiry Date:		11/07/2008	
		N/A		Consultation Expiry Date:		17/07/2008	
Officer				Application Number			
John Sheehy				2008/1591/P			
Application Address				Drawing Numbers			
Open area to the east of Residents Association Building Camberley House Redhill Street London NW1 4AX				Refer to draft decision notice.			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal							
Retention of 2 new air condenser units and acoustic enclosure in open scrubland for basement offices in Camberley House (Class B1).							
Recommendation:		Refuse planning permission and warning of enforcement action to be taken					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	0	No. of responses	0	No. of objections	0
				No. electronic	0		
Summary of consultation responses:		Site notice displayed 26 th June to 17 th July- no comments, expressions of support or objections have been received.					
Local groups comments:		No response to date.					

Site Description

The site is an area of fenced-off scrubland located within the Regents Park Estate. The site is situated within Augustus and Redhill Allotments, a designated open space.

The site is not located in a Conservation Area.

Relevant History

January 2008 Planning permission granted for use of the basement as offices (Class B1) including formation of an access ramp with railings and the insertion of a new window and two new entrance doors, ref. 2007/5954/P.

Relevant policies

Camden Unitary Development Plan 2006

S1, S2 Sustainable Development

SD6 Amenity for occupiers and occupiers and neighbours

N3c Protecting open space designations: Allotments, Community Gardens and City Farms

Assessment

Proposal: retention of 2 new air condenser units and acoustic enclosure in open scrubland for basement offices in Camberley House (Class B1a).

Assessment

Policy N2 states that the Council will not grant planning permission for development in public or private open space unless it is for development ancillary to a use taking place on the land and for which there is a demonstrable need that cannot reasonably be satisfied elsewhere.

Policy N3c states that the Council will not grant planning permission for development involving the loss of allotments, community gardens, and city farms, as shown on the Proposals Map which forms part of the 2006 Unitary Development Plan.

The retention of the air conditioning equipment within a designated open space (Augustus and Redhill Allotments) would result in the land being used for development which is not ancillary to the use taking place on the open space, and would result in a loss of land which is designated as allotment gardens in the Proposals Map which forms part of the 2006 Unitary Development Plan. This is unacceptable in principle, being contrary to Policies N2 and N3c of the UDP.

The Council's Environmental Health officer has advised that the air condenser units, if enclosed within an "Environ Modula 2.2.25AC" enclosure could comply with Camden's noise thresholds contained in the UDP, subject to the submission of a post-installation noise assessment test certificate. In the absence of a post-installation noise assessment test certificate, the Council cannot assess whether the air condenser units, with accompanying acoustic enclosures, would comply with Camden's noise thresholds. There are no further amenity issues arising from the proposal.

Policy B1 states that the Council will grant permission for development that is designed to a high standard and which respects its site and setting. The air condensers, with accompanying acoustic enclosures, by reason of their detailed design and height (2.80m), are considered to be a dominant and obtrusive structure within the otherwise open allotment gardens. They are considered to have a detrimental impact on the open setting of the Augustus and Redhill Allotments and to represent an incongruous feature within the open space.

Recommendation: Refuse and that the Head of Legal Services be instructed to issue an **Enforcement Notice** under Section 172 of the Town and Country Planning Act 1990 as amended, and officers be authorised in the event of non-compliance, to commence legal proceedings under Section 179 or other appropriate power and/or take direct action under Section 178 in order to secure the cessation of the breach of planning control.

The Notice shall allege the following breach of planning control: Erection of 2 new air condenser units and acoustic enclosure in open scrubland for basement offices in Camberley House (Class B1).

The Notice shall require that within a period of 3 months of the Notice taking effect the 2 new air condenser units and acoustic enclosure should be removed

REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE.

1. The development is located within a designated open space (Redhill And Augustus Allotments). The retention of the air condensers, with accompanying acoustic enclosures would be contrary to policy N2 (Protecting Open Space) and N3 (Protecting Open Space Designations) of the London Borough of Camden Replacement Unitary Development Plan 2006.
2. In the absence of a post-installation noise assessment test certificate, insufficient evidence has been submitted to demonstrate that the proposal would comply with policy SD6 (Amenity for Occupiers and Neighbours) of the London Borough of Camden Replacement Unitary Development Plan 2006.
3. The air condensers, with accompanying acoustic enclosures, by reason of their detailed design and height, are considered to be a dominant and obtrusive structure within the otherwise open Augustus and Redhill Allotments and to represent an incongruous feature within the open space. This is contrary to policy B1 (General design principles) of the London Borough of Camden Replacement Unitary Development Plan 2006.

The 2 new air condenser units and full acoustic enclosure has been erected within the last four years and it is therefore expedient to pursue enforcement action.

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