

Delegated Report		Analysis sheet		Expiry Date:		03/02/2014	
		N/A / attached		Consultation Expiry Date:		02/01/2014	
Officer				Application Number			
Olivier Nelson				2013/7235/P			
Application Address				Drawing Numbers			
UCL Mortimer Market Centre Mortimer Market London WC1E 6JD				See draft decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal							
Installation of air handling plant, associated ductwork and pipework to flat roof of hospital building and ductwork to northeast side elevation (Class D1).							
Recommendation:		Refuse planning permission with 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	32	No. of responses	00	No. of objections	00
				No. electronic	00		
Summary of consultation responses:		A site notice was displayed from 11/12/2013 to 01/01/2014. A press notice was advertised on 12/12/2013. No response has been received.					
CAAC/Local groups comments:		No response has been received.					
Site Description							
The application site is a six storey purpose built building on the Mortimer Market off Capper Street (behind Tottenham Court Road) in the Bloomsbury Conservation Area. The south elevation of the building face onto Capper Street. The site is surrounded by the New Macmillan Cancer Centre, commercial properties and residential properties.							

The site falls within the Central London Fitzrovia Area.

Relevant History

None

Relevant policies

National Planning Policy Framework (2012) London Plan (2011)

LDF Core Strategy and Development Policies

CS5 – Managing the impact of growth and development
CS10 – Supporting community facilities and services
CS14 - Promoting high quality places and conserving our heritage

DP24 - Securing high quality design
DP25 – Conserving Camden’s heritage
DP26 – Managing the impact of development on occupiers and neighbours
DP28- Noise and vibration

Camden Planning Guidance 2011

CPG 1 – Design
CPG 6 – Amenity

Bloomsbury Conservation Area Appraisal and Management (2011)

Assessment

Proposal

The proposed air handling plant with associated duct work and pipework will serve the Dermatology Department on the second floor level of Mortimer Market Centre and would be located on the roof of the building. Part of the ducting would be run through the northeast elevation of the building from roof level to the second floor level. The width of the ducting as seen from the northeast elevation would be 1.24m. The proposed ducting on the northeast elevation would be painted in matching colour to the existing stone tile cladding.

Design and Impact on Conservation Area

Policy CS10b supports the higher education sector in Camden and aims to balance its requirements with those of other sectors and the local community. Policy DP24 requires all development to consider the character, setting, context, scale and proportions of the existing and neighbouring buildings. Policy DP25 also states that the Council will grant planning permission for development in Camden’s Conservation Areas that preserves and enhances the special character or appearance of the area. Section 11 of CPG1 suggests that building service equipment where, because of its nature, it cannot be integrated within the building should not be a dominant feature of the building and cause visual blight.

Mortimer Market is a secluded cul-de-sac which serves to the rear of office buildings at Tottenham Court Road, The Rayne Institute Building, UCLH Macmillan Cancer Centre and the application property.

There is existing equipment on the roof of the building. The proposed air handling plant, ducting and pipes would be located close to the centre of the roof and would be between 1.4m and 2.15m high. The plant and ducting would be set back between 5.5m and 1.6m from the building edges and would

not be readily visible from the street views.

The air handling unit ducting has been positioned on the north west elevation. This has been implemented and was visible to see when visiting the site. It has been positioned on what is considered to be the rear elevation of the building. This elevation faces onto the front elevation of the Macmillan Cancer Centre. The ducting is readily visible, its bulk, size and design appears out of character with the existing elevation. The ducting would dominate the rear elevation more so than the existing stairwell. The ducting type and its position would fail to take into account the setting, context scale and proportions of the existing and neighbours buildings. The proposal is considered to have a detrimental impact on the Bloomsbury Conservation Area.

The applicant has stated that the ducting is considered to be a necessary addition in order to facilitate the use of the building. The ducting at the time of the site visit had not been finished and appeared incongruous in the street scene. An internal duct would be preferable, or a more discreet design in this location would be in keeping with the conservation area.

In terms of design it is considered that the proposal would be an unacceptable form of development which would cause significant harm to the character and appearance of the Bloomsbury Conservation Area. It would not be supported by the relevant policies within the Council's Local Development Framework and as such planning permission is recommended for refusal on design grounds.

Impact on Neighbouring Properties

Policy DP28 seeks to ensure that noise and vibration is controlled and managed and will not grant planning permission for development likely to generate noise pollution; or development sensitive to noise in locations with noise pollution, unless appropriate attenuation measures are provided. The Noise and Vibration Thresholds set out in Table E of this policy need to be complied in this case. The nearest noise sensitive façade is the office on Tottenham Court Road within approximately 20m from the proposed equipment.

The applicants submitted a noise report prepared by Hoare LEA which includes background noise levels and suggestions for mitigation measures. According to the report the existing lowest background noise levels taken from the roof are 53 dBA during day time (07:00 – 19:00) and 50 dBA during night time (23:00 – 07:00) to the nearest noise sensitive façade and limits for the proposed plant emission noise should be 48 dBA during day and 45 dBA during night time. The report concluded that the recommended noise levels could be achieved through the use of silencers to the air handling unit fresh intake and exhaust opening.

The Council's environmental health officer considered that 10dBA below the background noise levels should be achieved in this case and required the submission of the following further information:

- The proposed sound attenuation/mitigation scheme for sound mitigation including mid-frequency octave band data.
- A further noise calculation, incorporating sound attenuation to demonstrate that the aggregate noise level can be achieve 10dBA below the lowest LA90 level, at 1 meter to the nearest sensitive façade.

The applicant's consultant submitted an addendum to the noise report dated 15th January 2014 to respond to the environmental health officer's comments. In summary, the following comments were made in the addendum:

- The proposed plant would not make distinguishable discrete continuous noise and distinct impulses as the sound power level octave-band spectrum of the AHU does not contain obvious tonal components, and distinct impulses are not expected with this type of equipment. Therefore, 5 dB(A) below the lowest background noise level was considered to be appropriate in this case.

- As the final unit has not been selected prior to receipt of planning permission the approach taken was to set a maximum allowable level of noise from the AHU. The level was at 40 dB(A) at the noise sensitive location, 20m away to enable sizing of the silencers relative to the noise output of the final selected unit.
- The contribution of noise from the three condensing units would be 47.4 dB(A) which is less than daytime limit (48 dB(A)) from 7.00 to 19.00.
- Condensing unit 1 would not operate after 19.00 and during night-time hours and the resulting total noise level from condensing units 2 and 3 would be 45 dB(A). This would meet the evening noise limit from 19.00 to 23.00.

The environmental health officer was satisfied that the noise limit in accordance with the Council's standards can be achieved with mitigating measures of silencers and recommended conditions to ensure compliance with the Council's noise standards.

Enforcement

The application site was visited on the 10th April 2014, at the time of the visit it was established that the ducting had been erected on the north east elevation without the benefit of planning permission. The ducting which has been erected on the building has been positioned in a highly visible location. Its design, size and bulk are not in keeping with the host building or the ducting found on neighbouring properties. The ducting has formed a dominant feature on the building and it is considered to have caused visual blight. The unauthorised ducting fails to appear discreet in this semi-public setting and has a significant impact on the host building and Conservation Area as a whole.

Conclusion

It is considered that the proposed works would be an unacceptable form of development and from a design perspective would appear as an incongruous and inappropriate development to both the host building and surrounding street scene. Insufficient information has been provided as to the need for the size of ducting and its location.

Recommendation

a) Refuse planning permission with warning of enforcement action to be taken.

b) That the Head of Legal Services be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended **for the removal of the unauthorised ducting to the northeast elevation of the application property**, and to pursue any legal action necessary to secure compliance and officers be authorised in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control.

The Notice shall allege the following breach of planning control: The unauthorised installation of air handling plant, associated ductwork and pipework to flat roof of hospital building and ductwork to northeast side elevation.

The Notice shall require that within three months of the Notice taking effect, the ducting to the northwest elevation of the application property is permanently removed.

The notice shall specify the reasons why the Council considers it expedient to issue the notice:

- a) It appears to the Council that the above breaches of planning control have occurred within the last 4 years.
- b) The proposed ducting to the northeast elevation, by reason of its location, design and external appearance, would be an incongruous addition to the building, detrimental to the character and appearance of the building and the wider Bloomsbury Conservation Area, contrary to the London Borough of Camden's Local Development Framework Core Strategy policy CS14

(Promoting high quality places and conserving our heritage) and the London Borough of Camden's Local Development framework policies DP24 (Securing high quality design), DP25 (Conserving Camden's heritage).

The Council do not consider that planning permission should be given, because planning condition could not overcome these problems.