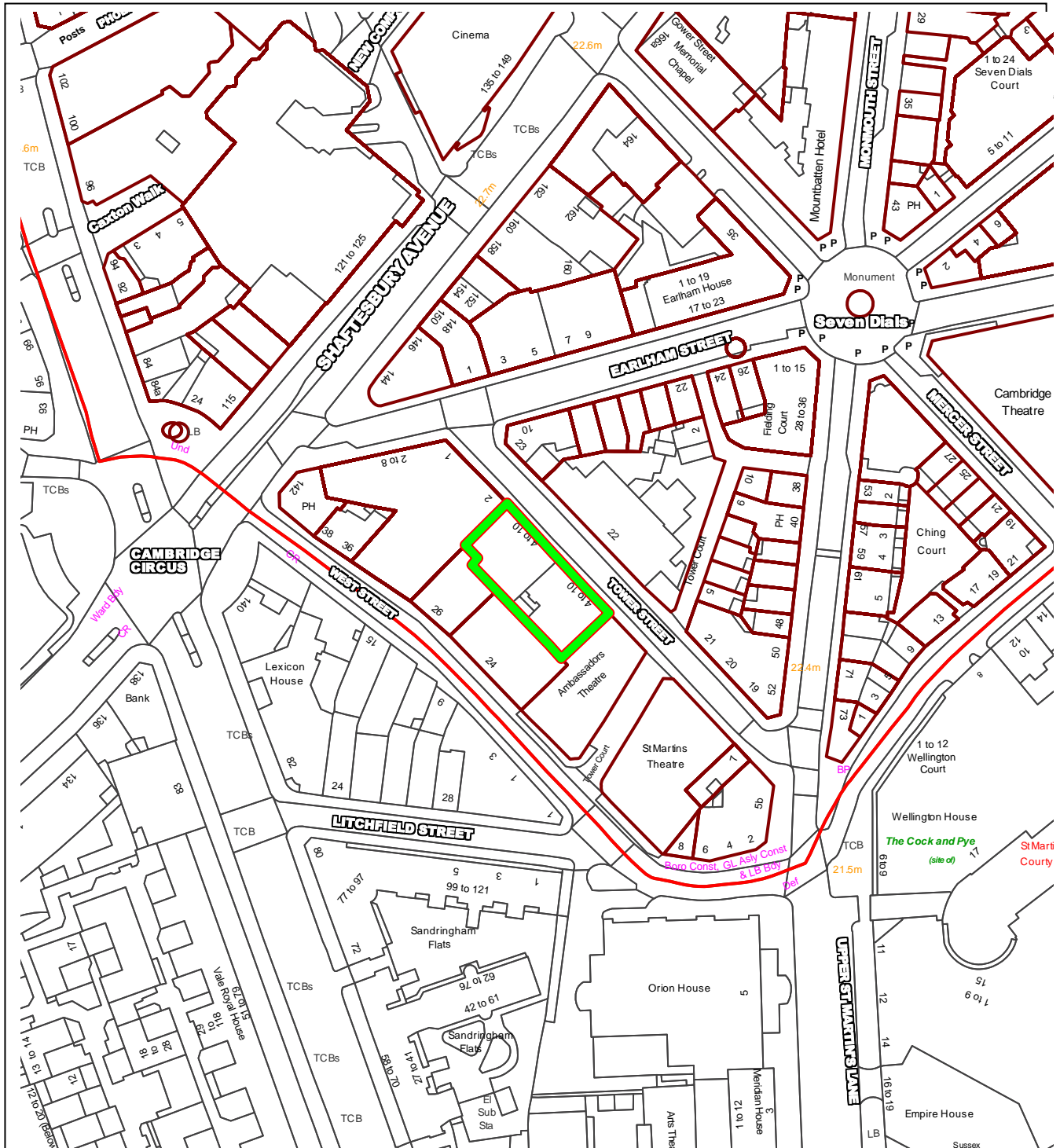


4 -10 Tower Street 2015/5316/P



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4 -10 Tower Street 2015/5316/P



Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	09/11/2015
		N/A / attached		Consultation Expiry Date:	22/10/2015
Officer			Application Number(s)		
Gideon Whittingham			2015/5316/P		
Application Address			Drawing Numbers		
4-10 Tower Street London WC2H 9NP			Refer to draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposals					
Replacement of 7 existing air conditioning units and the addition of 2 new air conditioning units to the rear.					
Recommendation(s):		Grant Planning Permission subject to conditions			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	44	No. of responses	06	No. of objections	06
			No. Electronic	00		
Summary of consultation responses:	<p>Site notice: 30/09/2015 – 21/10/2015 Press notice: 01/10/2015 – 22/10/2015</p> <p>A total of 6 objections were received from Flat 3: 4-10 Tower Street, Flat 6, 10, 11 and 14 Cambridge Court, 4 Earlham Street and 36 Park Village regarding the following:</p> <ul style="list-style-type: none">Noise disruption (paragraph 3.3 - 3.4)Increased number of plant will result in noise disruption (paragraph 3.4)Inaccuracy of noise report and nearest noise receptor (paragraph 3.1 – 3.2)Request hours of use for units to be linked with commercial use (paragraph 3.4)					
Covent Garden Community Association comments:	<p><i>The CGCA questions the applicant's noise impact assessment. The assessment states that the closest noise receptor is flat 2. However, this flat is on the opposite end of the building from where the existing and proposed air-conditioning units are. Flats 6 and 7, on the ground floor, are very close to the proposed units and, thus, the noise impact assessment should have conducted its measurements from these windows. The CGCA also notes that the location of the air-conditioning units is adjacent to flats at Cambridge Court and, thus, these residents would be affected by noise and disturbance from the units, as well. Without an accurate noise report, the CGCA cannot comment on the proposals. (see paragraph 1.3 and 3.2)</i></p> <p><i>To protect residential amenity, any permission granted should restrict use to business hours only (06:30-22:00, as specified in the applicant's acoustic report – see page 9) and in condition 4 of planning permission granted 07-11-2013 for 2013/3023/P, which specifies that "the use hereby permitted shall not be carried out outside the following times 0630 - 2230 Mondays to Fridays, 0900 - 2230 on Saturdays, 1000 - 2230 on Sundays and not at all on Bank Holidays." (see paragraph 3.4)</i></p> <p><i>Additionally, any permission granted must include conditions that require the applicant to have at least annual maintenance performed on all equipment, including ducting, to ensure it is running effectively and is not causing disturbance to nearby residents or exceeding 10 decibels below background. (see condition 3 of draft decision notice)</i></p>					

Site Description

The application site is a four-storey (plus basement), mid terrace property on the western side of Tower Street. Tower street connects Earlham Street and Upper St Martin's Lane. The ground floor unit has recent permission for the ground floor to be used as retail (A1) and /or retail/leisure (A1/D2). The application relates to a leisure unit. The property is not listed but is located within the Seven Dials Conservation Area and is considered to be a positive contributor.

The site is located within the Covent Garden Central London Area, although does not fall within a protected shopping frontage.

Relevant History

9501091: Application granted in December 1995 for the use of the ground floor and basement as either retail/showroom (Class A1) or office (Class B1)

PSX0004944/R2: Application granted in December 2000 for the use of the basement as a restaurant (Class A3) and ground floor as retail (Class A1) with associated external alterations

Appeal subsequently lodged against condition attached to this decision which limited hours of use to 0900 – 2300 Mondays to Fridays, and 0900 – midnight on Saturdays. This was dismissed by the Inspector in August 2001 on amenity grounds.

PSX0104390: Certificate of lawfulness issued in June 2001 for the proposed use of the basement and ground floor for either A1 or A2 purposes

PSX0304307/P: Application granted in June 2003 for a change of use of the basement from Class D1 to a dual/alternative use as either retail (Class A1), financial and professional services (Class A2) and non-residential institution (Class D1)

2013/3023/P - Dual/ alternative use of the ground floor for retail (Class A1)) and/or retail/leisure (Class A1/D2) and dual use of the basement retail (Class A1) or leisure (Class D2). Granted 07/112013

2015/5148/P & 2015/5408/A - Installation of replacement shopfront & Display of bronze fascia sign, 3x plaques and 3x projecting signs. Under assessment

Relevant policies

National Planning Policy Framework 2012

London Plan March 2015, consolidated with alterations since 2011

LDF Core Strategy and Development Policies 2010

CS5 Managing the impact of growth and development

CS13 (Tackling climate change through promoting higher environmental standards)

CS14 Promoting high quality places and conserving our heritage

DP24 Securing high quality design

DP26 Managing the impact of development on occupiers and neighbours

DP28 Noise and vibration

Camden Planning Guidance 2011: CPG6 Amenity

Camden Planning Guidance 2015: CPG1 Design

Seven Dials Conservation Area Appraisal (2001)

Assessment

1. Proposal:

1.1 The application proposes:

- The proposal would replace 7 existing plant units within an enclosed light-well, situated at first floor level. A further 2 units would also be installed in this area totalling 9 units.

1.2 The main issues for consideration therefore are:

- Design
- Residential amenity

1.3 The application has undergone a revision, namely the noise assessment. As highlighted in the 'Summary of consultation responses', a number of issues were raised as to the accuracy of the report and the location of the nearest noise receptor. The document now correctly highlights the nearest noise receptor.

2. Design

2.1 The proposed plant units would be located at first floor level within an enclosed lightwell, replacing 7 existing units in situ. This area serves both residential and commercial properties. In terms of viewpoints, the plant would not be the subject of public views; however the plant would be the subject of private views from adjacent flats, namely those within 4-10 Tower Street whom have raised comment in this respect.

2.2 In consideration of DP24 and DP26, there is a general presumption that external alterations such as plant units can be unsightly by virtue of their exposed location or prominent position. In this instance however, the proposal would replace existing units in situ. Within this context, the proposal would be of no greater detriment than the existing arrangement, even with 2 additional units, and would be incorporated in a relatively sympathetic manner which would preserve the character and appearance of the building and the wider conservation area.

3. Residential amenity

3.1 As per the consultation responses, a number of residents have queried the accuracy of the acoustic report, namely the labelling of the nearest noise sensitive receptor as flat '2' rather than '7'. In addition, residents have queried why no other properties have been assessed for noise disturbance.

3.2 The acoustic report has been revised and is now adjudged to be accurate in respect of flat numbering. It is considered the nearest noise sensitive receptor serves the correct purpose in terms of quantifying the impact of local amenity accurately.

3.3 The applicant has submitted an acoustic report and background noise survey which includes calculations of predicted noise levels to support compliance with the Council's standards.

3.4 The Council's Environmental Health officer has assessed the submitted acoustic report in addition to the cumulative impact of 2 further plant units in situ, and is satisfied the Council's required standards are capable of being met, subject to the standard recommended condition regulating noise, vibration levels and hours of use. As such no adverse amenity impacts are envisaged.

3.5 It is considered that no undue harm would be caused with regard to the amenity of the occupiers of the neighbouring and adjacent properties in terms of access to sunlight, daylight, privacy, visual bulk or sense of enclosure. The proposed external alterations in particular, are considered limited in their scope, nature and impact upon the adjacent occupiers.

Recommendation: Grant planning permission

DISCLAIMER

Decision route to be decided by nominated members on Monday 16th November 2015. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Mr R Litherland
Rolfe Judd Planning [P6048]
Old Church Court Claylands Road
Oval London SW8 1NZ

Application Ref: **2015/5316/P**
Please ask for: **Gideon Whittingham**
Telephone: 020 7974 5180

10 November 2015

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
**4-10 Tower Street
London
WC2H 9NP**

DECISION

Proposal:
Replacement of 7 existing air conditioning units and the addition of 2 new air conditioning units to the rear
Drawing Nos: Site Location Plan, SK01, SK02 and Noise Impact Assessment for Air Conditioning Units, prepared by ACCON UK Limited, dated 09.11.2015.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).



- 2 The development hereby permitted shall be carried out in accordance with the following approved plans [Site Location Plan, SK01, SK02 and Noise Impact Assessment for Air Conditioning Units, prepared by ACCON UK Limited, dated 09.11.2015.]

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 4 The plant units hereby permitted shall not operate outside the following times:

0630 - 2230 Mondays to Fridays, 0900 - 2230 on Saturdays, 1000 - 2230 on Sundays and not at all on Bank Holidays.

Reason - To safeguard the amenities of neighbouring properties. (R055)

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Director of Culture & Environment

DRAFT

DECISION