

Mr Jonathan Law
JALA
99 Lincoln Court
Bethune Road
London
N16 5EA

Application Ref: **2015/3907/P**
Please ask for: **Fergus Freney**
Telephone: 020 7974 **3366**

9 May 2016

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted and Warning of Enforcement Action

Address:
73 Gray's Inn Road
London
WC1X 8TP

Proposal:
Alterations to existing air-handling units to include silencers and associated roof mounted plant at first floor level and high level duct termination all at the rear.

Drawing Nos: 327/B/1300/A; 1301; 1302; 2301; 2302; 327/B/3301; Report on Plant Noise (21st August 2015)

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

Condition(s) and Reason(s):

- 1 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.



Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 2 Within 3 months of the date of this permission the recommendations of the noise report hereby approved shall be fully implemented including the relocation of fan motors internally (to the ground or basement floor) and erection of acoustic enclosures. The 2x air conditioning units and extraction duct shall not be used until the noise mitigation measures hereby approved have been fully implemented and a post installation noise assessment required by condition 3 has been submitted and approved in writing by the Council.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 (Managing the impact of development on occupiers and neighbours) and DP28 (Noise and vibration) of the London Borough of Camden Local Development Framework Development Policies.

- 3 Prior to use of the plant, details shall be submitted to and approved in writing by the Council, of the external noise level emitted from plant equipment and mitigation measures as stated in report dated 21st August 2015. The measures shall ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the lowest existing background noise level by at least 10dBAs (or 15dBAs if tonal) assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. A post installation noise assessment shall be carried out where required to confirm compliance with the noise criteria and any additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to the use of the plant and thereafter permanently retained.
- 4 Prior to use, the extract/ ventilation system and ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 (Managing the impact of development on occupiers and neighbours) and DP28 (Noise and vibration) of the London Borough of Camden Local Development Framework Development Policies.

- 5 Notwithstanding the details shown on the approved drawings, within 3 months of the date of this permission pigeon spikes shall be erected on all parts of the ducting and ventilation equipment which may have potential for pigeons to roost and breed in order to discourage pests.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

- 6 Notwithstanding the details as shown in drawing 327/B/3301 the timber acoustic plant enclosures shall be painted/stained black or similar dark colour.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 7 The development hereby permitted shall be carried out in accordance with the following approved plans: 327/B/1300/A; 1301; 1302; 2301; 2302; 327/B/3301; Report on Plant Noise (21st August 2015).

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

Informative(s):

- 1 Reasons for granting permission.

Retrospective permission is sought to regularise 2x air conditioning units and high level ducting at the rear of the property. Permission is also sought for the installation mitigation measures to resolve noise and ventilation concerns raised by neighbours. The site is currently subject to an open enforcement case (ref: EN15/0459).

The main considerations for an application of this nature are design and amenity.

The air-conditioning units are located at a rear first floor roof; one is adjacent to a two storey extension at 71, the other close to the site boundary with 75 Gray's Inn Road. The ducting starts at first floor level and runs up the rear of the building, terminating above the eaves.

The proposal would see the air conditioning units enclosed with timber structures and silencers fitted to the ducting. It is proposed to erect enclosures around the air conditioning units in accordance with the recommendations in the submitted noise report. The proposed enclosures would be constructed from timber and measure approximately 1.3m in height x 1.6m in width x 1.5m in depth. Two enclosures would be positioned on each side of the existing roof lantern.

The proposal is considered to be acceptable in visual terms, the enclosures would be relatively modest structures located at a rear of the property where such

features are not generally out of place. However, a condition will be added to require that they are painted/stained black so as to appear less visually obtrusive. They would not impact upon outlook from residential properties or sunlight/daylight as they are set close to the host building. Similarly, the ducting is not considered to have a harmful impact on outlook, sense of enclosure or sunlight/daylight given its relatively modest projection from the host building.

The ducting terminates approx. 1.7m above the eaves and would utilise a modern upward-flowing outlet design. Camden Planning Guidance advises that where mechanical or passive ventilation is required to remove odour emissions, the release point for odours must be located above the roofline of the building. Generally we would require that this point is no less than 1m above the roofline, in the case of this proposal the termination point and type of outlet is considered acceptable.

The air-conditioning units, as they currently stand are not enclosed and are considered to cause a noise nuisance to neighbours, an acoustic report has been submitted to demonstrate that were all the recommendations proposed in this application implemented the scheme would comply with Camden's noise requirements.

A site visit on 13th April 2016 indicated that part of the proposal may have been installed but the air-conditioners are still not fully enclosed. At high level the old damaged duct outlet has been replaced with a modern upward-flowing outlet which terminates approx. 1.7m above the eaves.

Were the scheme to be fully implemented it would be acceptable in terms of both design and amenity. Given that the site has caused a significant issue with noise it is recommended that the application is approved with a warning of enforcement action to be taken should the proposal not be fully implemented within 3months. A further noise report shall be submitted to and approved by the Council once the works have been complete and until such time the equipment shall not be used.

Given the confined nature of the site and that noise has been highlighted as a significant concern the Council's Environmental Health Officer has recommended that the noise limits in this instance shall be 10dB below the background (or 15dB if noise element is tonal).

3x comments were received to the initial proposal, there is no objection provided the scheme is implemented fully in accordance with the plans and that it complies with the conditioned noise limits. The comments have been duly considered. The planning history of the site has been taken into account when coming to this decision.

Special attention has been paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area, under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposed development is in general accordance with policies CS5,

and CS14 of the London Borough of Camden Local Development Framework Core Strategy, policies DP24, DP25, DP26 and DP28 of the London Borough of Camden Local Development Framework Policies and Policy 2 and Policy 3 of the Fortune Green and West Hampstead Neighbourhood Plan 2015. The proposed development also accords with policies 7.4, 7.6 and 7.8 of the London Plan (March 2015), and paragraphs 14, 17, 56-68 and 126-141 of the National Planning Policy Framework.

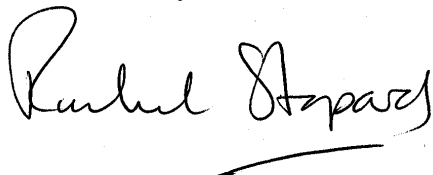
- 2 The applicant is reminded that there are residential dwellings within 71, 73 and 75 Gray's Inn Road which must be fully considered and documented when the follow up noise report is submitted to the Council for approval.
- 3 Your proposals may be subject to control under the Building Regulations and/or 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).
- 4 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



Rachel Stopard
Director of Supporting Communities

