



Phillips Planning Services Ltd.

Town Planning and Development Consultants

PW/GH/063431
13 June 2017

Kate Phillips
London Borough of Camden
Development Control & Planning Services
Town Hall
Argyle Street
London. WC1H 8ND

Dear Kate

115 Frognal Ref: 2017/2917/P

Amendments to planning permission 2016/5380/P to allow the creation of a basement, alterations to fenestration, installation of air-con units on roof of garage

As you are aware, we act on behalf of Mr & Mrs Finegold, the owner occupiers of No.113 Frognal.

We have reviewed the latest application and make the following points which we would ask are given consideration before this application is determined.

Proposed air conditioning

The application proposes to install air conditioning units on the roof of the garage which would stand to the south west of the new house.

Whilst our client does not object to the principle of the proposed units we do hold concerns regarding a number of detailed issues:

1. **Noise readings**

The submitted noise report advises at section 3.1 that:

"In order to establish the existing environmental noise levels on site, a noise survey was conducted between 11:30 on 28/04/17 and 01:50 on 30/04/17.

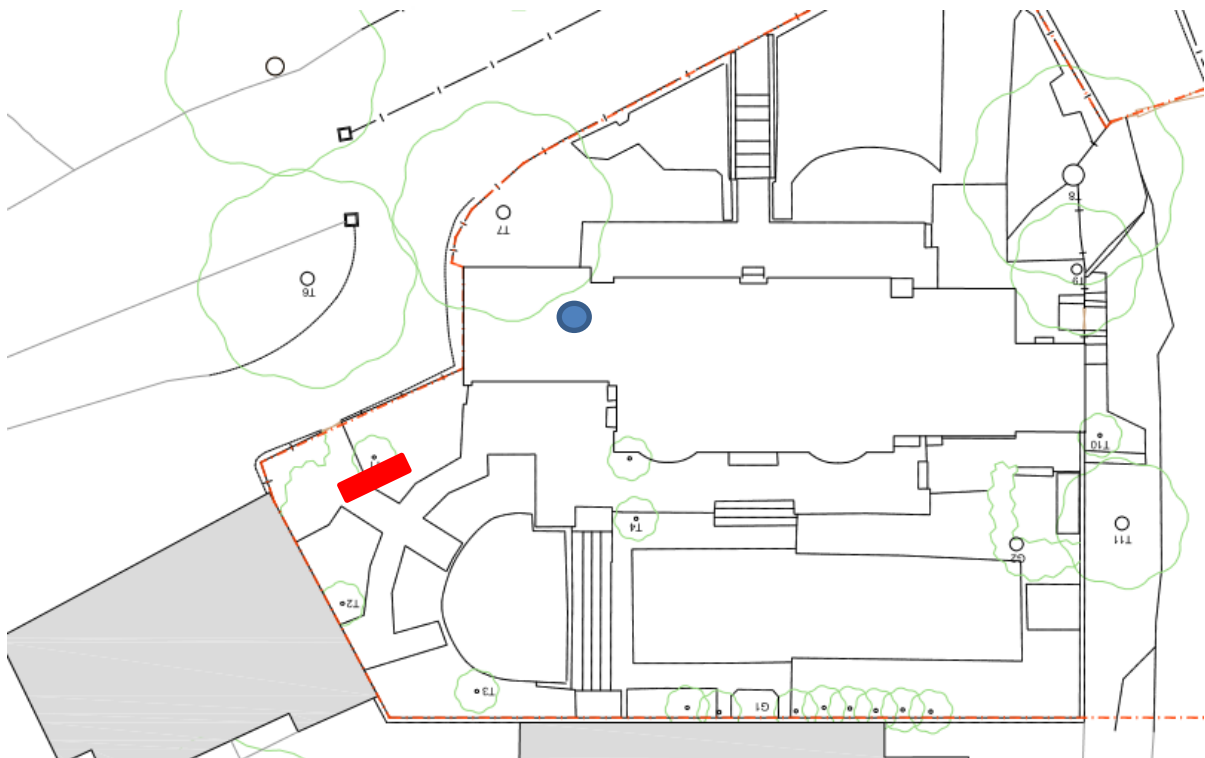
A fixed microphone position was used to determine the change in noise levels during typical operating hours of the noise source, with the fixed long term meter set to measure consecutive 'A' weighted 5-minute time samples. Measurements have been taken in free-field conditions.

The fixed measurement location (F) is shown in Figure 2.1. The location is **comparable** to the receptor location in terms of background noise, which has been verified on site. The results of the environmental noise survey are provided within Section 4.0 of this report

We do not agree that the location used to record the background noise is directly comparable.



Extract from the noise assessment report showing the monitoring location (F) and assumed AC location



Existing site plan showing estimated monitoring location in blue (based on photograph) and approximate location of proposed AC units in red based on the submitted plans

It is estimated that the monitoring location shown in the noise report is at its closest approximately 8.5 metres from the actual location where the AC units are proposed and approximately 12 metres from the furthest proposed unit.

The location where noise readings were taken is closer to the main road and Oak Hill Way than would the units be situated when installed.

It is considered very likely therefore that when monitoring background noise levels the levels recorded will have been higher as a result of road noise and as a result of construction traffic and construction activities with work taking place at 1 Oak Hill Way.

Our client holds significant concern that the major construction works at 1 Oak Hill Way will give an artificially high picture of daytime background noise levels which are not reflective of the normal situation and the situation that will prevail once this work has ceased. It is submitted that to establish the true position only testing on a Sunday where there is currently no construction should be used.

In addition to this, the position where the units are proposed to be located is set back from the road and screened by 115 Froggnal and the neighbouring garage block such that background noise levels in this location would be less and so not comparable to the measured location even leaving aside the above concerns.

It is our experience that where similar monitoring is undertaken elsewhere, a pole would be erected in the correct location to allow monitoring equipment to gain a fair reflection of the background levels in exactly the correct position.

2. Interpretation of the Background Noise Readings

The position of the sound monitoring is important in terms of how the results are interpreted.

Based upon the readings taken in the position discussed above the applicant suggests that the units meet relevant standards during the day. So that the units are compliant with BS4142:2014, at night the report states:

“.....it is essential that night mode is activated between the hours of 23:00 and 07:00.”

We have two main concerns regarding the conclusions drawn.

Firstly, as the noise monitoring was undertaken further forward and with less screening than the actual location where the units would stand it is unlikely to be representative of the actual background levels that exist.

The background noise levels for the daytime will also be significantly skewed at present due to the construction work which is underway at 1 Oak Hill Way. Unless Sunday readings only are used an unfair and incorrect picture is presented.

It is therefore likely to be the case that if, as our client considers the true background noise levels are lower than monitored, particularly during the day, that the 'night mode' suggested as essential for night time use may also be required during the day or may be insufficient to mitigate noise concerns over night.

Secondly, we raise concern regarding the potential reliance on the night mode. Based upon the specification provided in the application it is not clear whether this mode is an automatic feature which can be set to commence every night or requires the user to manually ensure that the mode is turned on. If the latter, it is very unlikely to result in a satisfactory situation.

Further the noise report does not provide great comfort that this feature will definitely allow standards to be met. It is stated:

*“.....The Daikin air conditioning units have a “night mode” which, **according to the manufacturer specifications**, can reduce the sound power level of the unit by 9 dB.....”*

There appears reliance upon the manufacturers specification without significant evidence that it will perform as suggested given the particular site conditions.

It is submitted that further investigation of the units capabilities is required or a condition should be added to require post installation testing.

The results of the testing can then be submitted to the Council for approval to demonstrate that the units do actually (rather than in theory) meet the standard before they are permitted to be turned on.

Finally, whilst the noise assessment work appears to acknowledge that it is necessary to consider the impact of the proposed units upon the window located within the roof of our client's garage block it is unclear whether the author is aware that the window is not simply to a garage but rather to a residential annex which comprises both living and sleeping accommodation. This accommodation is in regular occupation i.e. for living and sleeping purposes and so must be considered no differently from any rooms within the main house.

There is no mention in the report of the occupation of this accommodation, only the 'window to the garage'.

This accommodation was granted planning permission by the Council in 2009 and has been occupied since its construction and fitting out.

This accommodation is approximately 3.5 metres from the proposed units and so it is clearly imperative that the issues we have raised above regarding the validity of the testing are properly addressed.

Construction management / traffic

The impacts of a demolition and rebuild scheme now with a basement excavation added will need to be carefully managed. A construction management plan for the site must be secured by legal agreement.

It is noted that this was a requirement of the original consent and so should be included if this amendment is approved.

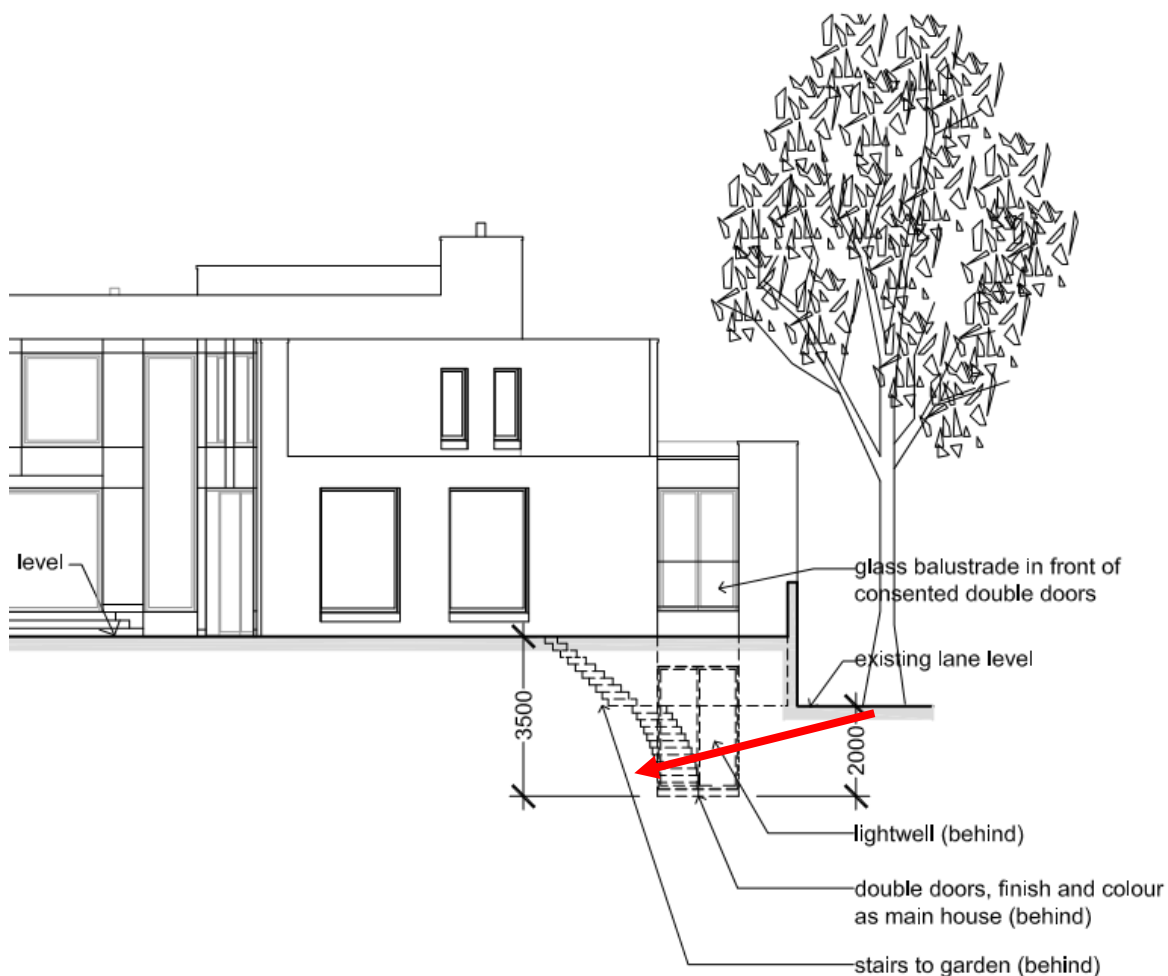
Impact on Tree T11

Tree T11 stands closely adjoining the western site boundary. It is a Category A specimen and has a significant street scene presence.

The tree constraints plan notes that the existing boundary wall is:

*“....**likely** to prevent any root growth into the site”*

However, as demonstrated below by the applicants elevation drawing the tree stands well below the existing ground level of the house. It is not clear that the roots from the tree don't spread significantly under the garden wall and so could be damaged by the major basement construction works.



It is submitted that the tree officer should satisfy himself in this regard with an investigatory trench being opened up (through careful hand digging) adjacent to the wall.

Without such investigation confidence cannot exist that this important tree will not be badly affected.

Conclusion

In brief conclusion, our clients raise concern over the assessment work carried out in support of the air conditioning proposals.

The background noise levels should be retested in the correct location and only during times when the construction activities at 1 Oak Hill Way are not in operation i.e. Sunday. Failure to provide accurate testing could leave any decision open to future challenge.

Our client would be pleased to allow access to No.113 and the annex should the consultants wish to monitor noise readings closer to the properties in addition to the position where the units would actually be located.

Further information regarding the specification of the units proposed and how they may be controlled to ensure the "essential" switch down to night mode takes place is also required with post construction testing secured by way of planning condition.

Our clients ask that a construction management plan be secured by legal agreement.

Finally it is submitted that additional investigatory work is needed to assess the impacts of the basement on the adjacent tree. (T11)

Yours sincerely,

Phillips Planning Services Ltd