

Date 14 July 2017
Our Ref: 11.507

24 Southwark Bridge Road
London
SE1 9HF

T 0203 268 2018

Planning Department
London Borough of Camden 2nd Floor
5 Pancras Square c/o Town Hall
Judd Street
London
WC1H 9JE

Dear Sir or Madam

Re: Application for air handling plant
Planning Portal reference PP-06230516

We hereby submit on behalf of our client, Mr Maurice Ostro, an application for full planning permission to install air handling (domestic air conditioning) plant at his private house at rear of 15 Elsworthy Terrace, NW3 3DR. The application is made retrospectively.

The application consists of the following:

- Application form completed via Planning Portal
- Certificate A completed via Planning Portal
- Drawing ref EC15156-DWG-01 Rev 4
- Noise Assessment Report by CDC

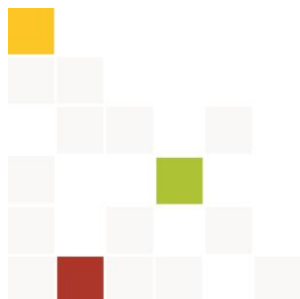
The application fee of £195 has been paid online with the application's submission.

Background

Planning permission ref 2011/1828/P and CA Consent 2011/1831/C were granted subject to a s106 agreement on 17 January 2012, for demolition of existing garages and erection of a new house at the site. The house was unusual in that it consists of two basement levels and a single above-ground level.

Submitted with the planning application was an Initial Sustainability Statement by AECOM, a leading global engineering consultancy, which concluded that no air conditioning would be required to cool the house. This Statement was considered by Camden in determining the application.

The planning permission was implemented in December 2012 after successful discharge of all necessary planning conditions and s106 obligations. This included the discharge of condition 13 relating to submission of an acoustic report demonstrating how the noise from any mechanical equipment installed on site shall meet with the Council's noise standards:



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- 13 Before the use commences, a detailed report prepared by a suitably qualified engineer including details of existing noise levels on site and demonstrating how the noise from any mechanical equipment installed on site shall meet with the Council's noise standards as set out in condition 5, shall be submitted to and approved in writing by the Council. Any acoustic or vibration mitigation measures recommended as necessary in the report shall be installed prior to first use of the equipment and shall thereafter be retained and maintained in accordance with the manufacturers standards.

Camden approved this condition on 15 May 2015.

Shortly after this was discharged and as the development neared completion various issues arose at the site which delayed its completion. Among these issues it became clear that the original air handling design would not be anywhere near adequate to provide suitable cooling to the house, and that mechanical air conditioning would be required. The Applicant, who is not a professional developer, was left with no choice but to agree to the contractor's installation of air conditioning to make the property habitable.

The air conditioning plant was installed in a shelter on the eastern side of the house around the end of 2015 by the Applicant's M&E engineers. The engineers did not consider the planning implications of doing this without necessary planning approval. Practical completion of the development was in early summer 2016. The air conditioning equipment has been operational since that time. The M&E engineers that advised on and installed the air conditioning equipment have since gone bankrupt. It is notable that no enforcement complaint has been made about the air conditioning equipment.

Recently the Applicant was contacted about an enforcement enquiry regarding an unrelated issue; a bin store door which was not properly installed by the contractors in accordance with the approved drawings. This matter is being dealt with separately by the Applicant, but in instructing Boyer to deal with the matter the Applicant asked Boyer to review the entire project to ensure full compliance with planning. Boyer advised the Applicant that there had been no planning application submitted for the air conditioning equipment and we have advised that a retrospective planning application needed to be made to authorise the air conditioning plant.

We advised the Applicant to commission an acoustic report which demonstrates that the air conditioning equipment can be operated in compliance with condition 5 of the original planning permission:

- 5 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).

The resulting Noise Assessment Report by CDC accompanies this application. It explains that a noise survey was undertaken at the site to establish existing ambient noise levels at the site during representative daytime and night time hours. Noise measurements were also undertaken in the plant room. All the air conditioning units within the plant room were fully operational during the measurements.

The Noise Assessment Report concludes that noise levels from the plant room will comply with the Camden Borough Council planning requirements for noise emissions from fixed mechanical units, to the nearest defined receivers.

Assessment

The planning matters material to this application are:

- The design and appearance of the air conditioning equipment and its enclosure and its impact on the Elsworthy Conservation Area; and
- The noise impacts of the air conditioning equipment.

Design and Appearance

The air conditioning condensers are installed within a pre-existing enclosure on the eastern flank of the building at ground floor level. They can be inspected on site.

The condensers and enclosure have no material impact on the appearance of the building or the Elsworthy Conservation Area, and thereby comply with Policies D1 and D2 of the Camden Local Plan 2017.

Noise Impact

Policy A4 (Noise and Vibration) of the Camden Local Plan 2017 states:

The Council will seek to ensure that noise and vibration is controlled and managed.

Development should have regard to Camden's Noise and Vibration Thresholds (Appendix 3). We will not grant planning permission for:

- a. development likely to generate unacceptable noise and vibration impacts; or
- b. development sensitive to noise in locations which experience high levels of noise, unless appropriate attenuation measures can be provided and will not harm the continued operation of existing uses.

We will only grant permission for noise generating development, including any plant and machinery, if it can be operated without causing harm to amenity. We will also seek to minimise the impact on local amenity from deliveries and from the demolition and construction phases of development.

The accompanying Noise Assessment Report by CDC demonstrates that the air conditioning plant does not and is not likely to generate unacceptable noise impacts. It demonstrates that the plant and machinery proposed can be operated without causing harm to amenity, and that therefore the noise impact is controlled and managed. The policy is thereby complied with.

Conclusion

The Applicant very much regrets that the air conditioning plant was installed without the proper planning permission and the company responsible is no longer in business. It was installed after it became clear that there was no other option to make the house habitable. Once he was advised that the plant did not have planning permission he immediately instructed professionals to arrange for a retrospective permission application to be submitted.

The application demonstrates that the air conditioning equipment is acceptable in terms of its appearance and noise impact.

Please contact the undersigned if you have any questions about the application or to arrange a site visit.

Yours sincerely

Grant Leggett
Director and Head of Boyer London

Tel: 0203 268 2431

Email: grantleggett@boyerplanning.co.uk

Boyer