

Your Ref: 2018/2004/P
By email to: planning@camden.gov.uk

FAO Matthias Gentet
Planning Solutions Team
Development Management
London Borough of Camden
Town Hall
Judd Street
WC1H 8ND



6 August 2018

Dear Mr Gentet

Re: Planning Application 2018/2004/P - Public House 4 Conway Street, W1T 6BB
Notice of failure to consult.
Objection to the Application as proposed.

The Council Planning portal identifies this Application proposal in relation to the public house at 4 Conway Street as the "Installation of 3no air condenser units, a new fridge/freezer condenser and associated acoustic fence on the rear flat roof at second floor level and 2no extra ducts onto rear roof slope to Public House (Class A4)".

Background

1. We have just found out about this Application. The Application was registered on 1 May 2018 and we understand that the Council has still to make its decision. Accordingly we are writing to express our concerns about lack of consultation and to raise an objection to the works as currently proposed.
 - 1.1. The Council has failed to consult with us regarding this Application and has therefore denied us the opportunity to consider it and to raise any matters of concern within the prescribed consultation period.
 - 1.2. We live in the flats in County House which are neighbours to the public house and are situated at third, fourth and fifth floors, above commercial premises which include 'First Intuition' at Ground floor. We note that the observations made by the Charlotte Street Association on 9 June 2018 drew to the Council's attention the existence of the County House flats and their potential interest in this Application. Surprisingly, we have received no communication from the Council with regard to this Application. We would also note that there was no notice of this Application posted on the street lampposts, although notice of a subsequent application has been posted on lampposts.
 - 1.3. We are the owners of a flat on the fourth floor of County House and are therefore immediate neighbours to the proposed development. We face South-West, towards the public house and are just 7 metres from it. Our flat is located slightly above the 3rd floor of the public house - the level at which the Applicant proposes to locate new plant on the 3rd floor terrace.
 - 1.4. To assist you, we have appended photos taken from our bedrooms towards the public house 3rd floor terrace as follows:
 - Photo A - public house 3rd floor terrace
 - Photo B - view from our 1st bedroom
 - Photo C - view from our 2nd bedroom
 - and Photo D – view from Conway Mews.

Objection to the Application

We object to the Application for the reasons set out below.

2. With regard to the Noise Impact Assessment report P18-171-R01 dated April 2018 (registered on 31 May 2018) we would comment as follows:
 - 2.1. Paragraph 1.3 refers to the “most affected noise-sensitive premises” being located in Maple Street. This statement is inexplicable unless intended to mislead. It should be obvious to anyone viewing County House from the public house 3rd floor terrace (from where the sound measurements were taken) that there are proximate residential properties in County House at that level. Figure 1 identifies the public house premises and shows a building marked ‘First Intuition’, above which our flats are located. This has resulted in an incorrect distance attenuation being used in the calculations, namely 16 metres instead of 7 metres.
 - 2.2. Paragraph 1.6 refers to the assessment being based on drawings numbered 3175/SK1 and 3175/SK2. Have these drawings been provided by the Applicant? They are not available to view on the Council’s Planning website. They are essential to the proper interpretation of the report.
 - 2.3. The report is selective when assessing background noise levels and only considers the period between 10:00hrs and 23:30hrs in the calculations. Paragraph 3.6 says this is because this is the period when the proposed equipment will be operating. The background noise level used for the night-time calculation is 48 dBA whereas the Noise Survey Results reported in Appendix II show the night-time background noise level is in fact 44 dBA. The report’s authors conveniently ignore this night period. We note that the Camden Local Plan (at page 347 - Appendices) tabulates applicable noise levels and distinguishes periods of day (07:00-23:00) and night (23:00-07:00).
 - 2.4. We note that the Premises Licence permits business opening between 10:00 and 00:30. Is the Council able to control the hours during which the plant will be operated?
 - 2.5. It seems unlikely that the condensers for the residential accommodation will be turned off at night. The condenser for the fridge/freezer will almost certainly be running continuously.
 - 2.6. Paragraph 4.1 refers to the following new plant:
 - 3 Nr. condensers for the dining areas (located on the 3rd floor terrace)
 - Kitchen air extract
 - Kitchen air supply
 - 2.7. The report makes no mention of the new condenser to be located on the 3rd floor terrace for the walk-in fridge/freezer, as shown on drawings 3175/11B and 3175/35D.
 - 2.8. Furthermore, the 3 Nr. condensers noted in the report does not appear to align with the 5 Nr. condensers referred to in the ‘Plant Specification (13/06/2018)’ which suggests there will be 2 condensers serving the Ground floor, 1 condenser serving the 1st floor and 2 condensers serving the 2nd floor?
 - 2.9. We submit that as the report does not cover all of the proposed mechanical plant it is not possible for the Council properly to assess the impact of noise and vibration on local amenity.
 - 2.10. Paragraph 4.3 Table 3 shows the predicted noise levels at the nearest residential window. These results are discredited as the assessment does not taken into account the nearest residential window, which is ours at a distance of just 7 metres. The noise calculations in Appendix III use a distance attenuation of 16 metres which is clearly incorrect.
 - 2.11. Paragraph 4.5 recommends using a timber screen minimum 10kg/m2 to reduce the noise impact of the condensers. This is too vague. It seems to us that a solid timber screen is more likely to amplify the noise reaching our windows, especially as noise breakout may be enhanced by the external wall behind the 3rd floor terrace.

- 2.12. In Appendix III the noise calculations assume a reduction in the noise impact of the kitchen supply/extract installation on account of [Roof attenuation]. This significantly reduces the noise impact level. We would question how any roof covering (it is actually slate) will have any attenuating properties in this situation.
- 2.13. The report appears to take no account of the prevailing South-Westerly wind direction which will drive noise and fumes into our windows.

Applicant's response to consultation objections

3. The Applicant submitted by email on 30 July 2018 its acoustic engineer's (Hepworth Acoustics) response to objections.
- 3.1. With regard to the Charlotte Street Association suggestion that the 'Noise Impact Assessment Report needs to be reassessed to take account of [...] the flats in County House which are the nearest to 4 Conway Street', the acoustic engineer responds by referring to a revised report. We would note that no such 'revised report' is available to view on the Council's Planning website.

Alternative mechanical plant locations

4. There would appear to be suitable alternative locations at a lower level:
- 4.1. The [as existing]/proposed drawings indicate the removal of 1 Nr. condenser above the Ground floor level roof and the removal of 2 Nr. condensers on a small roof between 1st and 2nd floor levels. These locations appear to remain suitable for the siting of the new condensers. The locations are at the level of the neighbouring commercial premises which are less likely to be impacted by plant noise.
- 4.2. There appears to be no reason why the kitchen air handling plant cannot remain at the existing location.

In conclusion, the proposed location of mechanical plant adjacent to [redacted] bedroom windows is not appropriate and will adversely affect [redacted] amenity. We would ask that grant of the Application be refused.

Yours sincerely

David Hart

Enc: Photos A, B, C, D









Public house 3rd floor terrace



County House 4th floor

