

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>18/10/2006</b>
<b>Members Briefing</b>		N/A / attached	<b>Consultation Expiry Date:</b>	<b>28/09/2006</b>
<b>Officer</b>		<b>Application Number(s)</b>		
Cassie Plumridge		2006/3597/P		
<b>Application Address</b>		<b>Drawing Numbers</b>		
Belsize Tavern 29 Belsize Lane London NW3 5AS		Site Location Plan; PL500; PL501; PL502; PL503; PL504; PL510C; PL511B; PL512A; PL513A; PL514A; Noise Impact Assessment Report prepared by Alan Saunders Associates dated 31 July 2006; Details of the materials and finishes of the Frog Box, insulated box fan, roof fan.		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	<b>Date:</b>
<b>Proposal(s)</b>				
Installation of plant and extract equipment on rear flat roof area at first floor level, including landscaped and planted screening in relation to the ground floor commercial use.				
<b>Recommendation(s):</b>	<b>Grant Planning Permission</b>			
<b>Application Type:</b>	<b>Full Planning Permission</b>			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	<b>12</b>	No. of responses	<b>06</b>	No. of objections	<b>05</b>
Summary of consultation responses:	<p>An objection was received from <b>1 Belsize Mews</b>, raising the following objections:</p> <ul style="list-style-type: none"> <li>• <i>The size of the structure is excessive and siting inappropriate.</i>  <u>Response:</u> The applicant has indicated in correspondence and discussions that the nature of the plant to service the site has been extensively investigated, and that the reasoning for the size and siting of the plant was to restrict views of the plant from the rear window of the first floor flat of the subject site, which has views over the rear roof. It is considered appropriate that priority be given to protecting this window, as it is the most directly affected. Given that the units would not be dispersed across the roof, the structure does have a considerable height; however as the primary interface with Belsize Lane is unaffected, it is considered an acceptable compromise.</li> <li>• <i>The unit is located close to our windows.</i>  <u>Response:</u> The unit is considered to be appropriately located away from residential properties, with Belsize Mews separating the subject site from 1 Belsize Mews. The properties facing Belsize Lane which back onto Belsize Mews are commercial in nature, and it is considered that the rear elevations of commercial properties are a typical location for service units. The applicant has sought to soften the impact of the Frog Box though the use of landscaping.</li> <li>• <i>Noise levels will be excessive.</i>  <u>Response:</u> An Acoustic report prepared by Alan Saunders Associates was submitted by the applicant as part of the application. This report was reviewed by Environmental Health officers, and the attenuation measures were considered appropriate to meet requirements to ensure that the equipment would not result in noise pollution to the neighbours. A condition will be placed on the permission requiring the attenuation measures to be constructed to the specifications of the acoustic report and maintained thereafter.</li> <li>• <i>Odour pollution.</i>  <u>Response:</u> Planning powers do not control odour pollution; this is addressed by Environmental Health legislation. An informative will be placed on the permission drawing the applicants' attention to the need to comply with the requirements of this legislation, particularly in respect of arrangements for ventilation and the extraction of cooking fumes and smells.</li> <li>• <i>Hours of operations should be restricted. It was requested that the hours of operation be restricted to cease use after 11pm.</i>  <u>Response:</u> Such a condition is not necessary, as it has been clearly demonstrated that the plant and the acoustic mitigation measures will fully comply with the Council's noise performance standards and conditions. It is noted that a liquor licence was granted by the Council's Licensing Committee on 25 September 2006, who provided the following hours:  <i>Monday-Thursday alcohol until 11.30pm close at midnight</i>  <i>Friday &amp; Saturday alcohol until midnight close at 12.30am</i>  <i>Sunday alcohol until 10.30pm close at 11pm</i></li> <li>• <i>It was requested that the plant be constructed on top of the building, rather than on the rear first floor.</i>  <u>Response:</u> The building on the subject site is divided, with the restaurant on the ground and basement level, and residential above, and as such the applicant does not have any rights to the top roof and thus this is not a feasible option.</li> <li>• <i>It was requested that Councils Environmental Health Department conduct their own survey before and after to ensure compliance.</i></li> </ul>					

Response: Environmental Health officers do not have the resources to carry out such investigations; however, as noted the Acoustic Report has been reviewed by them and has been considered satisfactory.

- *That the equipment speed be restricted to one level, in order to ensure noise levels are met.*

Response: Restrictions placed on the permission relate to noise levels, and as such it is not necessary to restrict the speed of the plant.

An objection was received from **2 Belsize Mews**, who in summary raised the following objections:

- *It was requested that the plant be constructed on top of the building, rather than on the rear first floor.*

Response: See previous comments.

- *The noise report was insufficient.*

Response: See previous comments.

- *It was requested that the hours of operation be restricted to cease use after 11pm.*

Response: See previous comments.

An objection was received from **5 Belsize Mews**, who in summary raised the following objections:

- *Adverse impact of fumes.*

Response: See previous comments.

- *The noise report was insufficient.*

Response: See previous comments.

An objection was received from the freeholders of **4 Belsize Mews** and **11 Belsize Mews**, who in summary raised the following objections:

- *Adverse impact of noise.*

Response: See previous comments.

- *Adverse impact of fumes.*

Response: See previous comments.

- *Obstruct the outlook from our windows.*

Response: The rear of 29 Belsize Lane is not visible from 11 Belsize Mews, with the terrace being located on the southern side of the building, and plant located a sufficient distance away from the boundary to not allow views through the roof lights. Views from no. 4 Belsize Mews will be limited, being set back a considerable distance from the subject site.

- *Controls imposed by permission PWX0202360 granted on 22/07/2002 should be maintained.*

Response: Similar conditions relating to noise levels as previously imposed will be included in the permission for this application. See Relevant History section of the report for further details.

**CAAC/Local groups comments:**

The **Belsize CAAC** raised no objection to the works, however did comment:

- *A condition should be placed on the decision, restricting the use of the roof as a terrace (as applied in permission 200/5294/P).*

Response: The subject application does not alter the arrangement that would allow for the use of the flat roof as a terrace, and given that this condition still applies to the site, it is not considered necessary or relevant to include this condition on the subject application.

- *The CAAC also commented that noise and vibration standard in the UDP should be met.*

Response: See previous comments.

The **Belsize Residents Association** objected to the application, raising the following issues:

- *Noise attenuation measures do not appear to be sufficient.*

Response: An Acoustic report prepared by Alan Saunders Associates was submitted by the applicant as part of the application. This report was reviewed by Environmental Health officers and the attenuation measures were considered appropriate to meet Councils requirements.

- *The application does not appear to address maintenance issues.*

Response: A condition will be placed on the permission requiring the attenuation measures to be constructed to the specifications of the Acoustic Report and maintained thereafter.

- *Air quality emissions are not addressed by the submission.*

Response: See previous comments.

## Site Description

The subject site is occupied by a 3-storey building plus basement on the south side of Belsize Lane, on its junction with Belsize Mews. It is occupied as a restaurant on the ground and basement level, and two residential units above. The site falls within the Belsize Conservation Area and the existing building is identified as making a positive contribution to the Conservation Area. The property also forms part of a local neighbourhood shopping parade.

## Relevant History

- Planning permission 2005/4629/P granted on 22/12/2005 allowed for the *Insertion of additional front door opening to match the existing, widening of existing fire escape door to Belsize Mews elevation plus minor alterations to fenestration, raising of side and rear parapet line at first floor level and installation of new safety rail.* This permission included the condition:

*The flat roof to the rear of the Belsize Tavern, 29 Belsize Lane, as shown on drawing no. NW3/BT/22 shall not be used as a roof terrace and shall only be accessed for maintenance purposes.*

*Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policies EN1 and EN19 of the London Borough of Camden Unitary Development Plan 2000.*

- Planning permission PWX0103841 granted on 18/03/2002 allowed for the *Change of use and works of conversion to create 2 x three bedroom flats, one on the first floor and one on the second floor, including minor external alterations.*

- Planning permission PWX0202360 granted on 22/07/2002 allowed for the installation of a kitchen extract duct on the rear elevation. This decision included the following conditions:

*Standard condition:*

*The development hereby permitted must be begun not later than the expiration of five years from the date of this permission.*

*Standard reason:*

*In order to comply with the provisions of Section 91 of the town and Country Planning Act 1990.*

*Additional conditions:*

1. At 1 metre outside the windows of any neighbouring habitable room the level of noise from all plant and machinery shall be at all times at least 5 decibels below the existing background noise levels, expressed in dB(A) at such locations. Where the noise from the plant and machinery is tonal in character the differences in these levels shall be at least 10 dB(A).
2. For each of the octave band of centre frequencies 63Hz-8KHz inclusive, noise from all plant and machinery shall at all times add not more than one decibel to the ambient noise level expressed as L90 in the same octave band as measured 1 metre outside the window of any residential premises.
3. All plant and machinery shall be sound attenuated and isolated from the structure in accordance with the scheme to be submitted to and approved by the Council such that the use can be carried out without detriment to the amenity of the adjoining surrounding premises.
4. The extract duct shall be painted dark matt grey, and permanently maintained as such.

*Reasons for additional conditions:*

- 1-3: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy EN1, EN5, EN6, and DS6 of the London Borough of Camden Unitary Development Plan 2000.
- 4: To minimise the visual impact of the duct and protect the character and appearance of this part of the conservation area in accordance with policy EN1 and EN31 of the London Borough of Camden Unitary Development Plan 2000.

## Relevant policies

Set out below are the UDP policies that the proposals have primarily been assessed against, together with officers' view as to whether or not each policy listed has been complied with. However it should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material considerations.

### Belsize Conservation Area Statement

#### Camden's Revised Replacement Unitary Development Plan 2004

- SD6 – Amenity for Occupiers & Neighbours
- SD7 – Light, Noise and Vibration Pollution
- SD8A - Disturbance from plan and machinery
- Appendix 1 - Noise and vibration thresholds
- B1 – General Design Principles
- B3 – Alterations and Additions
- B7 – Conservation Areas

#### Supplementary Planning Guidance 2002

Section 4.2 – Noise

## Assessment

### Proposal:

The application seeks approval for the installation of plant and extract equipment on the rear ground floor flat roof area, including landscaped and planted screening in relation to the ground floor commercial use. The plant would sit within an acoustic enclosure known as a Frog Box (3.6m long x 1.82m wide x 2.95m high), with a grille to support the plant. The Frog Box would be set in 2 metres from the side of the building, and 900mm in from the rear wall. The application proposes landscaping as screening along the both flank elevations to soften the appearance of the Frog Box. The application also involves the addition of two roof mounted fans, which would sit flush with the roof adjacent to the side boundary with Belsize Mews, and two fresh air intake ducts in the middle of the roof. A new kitchen extract duct is proposed.

### Discussion:

The principal considerations material to the determination of this application are summarised as follows:

- The impact on the amenity of the surrounding neighbours with regard to noise pollution.
- Impact on the conservation area.
- Visibility from the surrounding properties.

In respect of the impact on the amenity of the surrounding neighbours with regard to noise pollution the following is noted:

- An Acoustic report prepared by Alan Saunders Associates was submitted by the applicant as part of the

application. This report was reviewed by Environmental Health officers and the attenuation measures were considered appropriate to meet the Council's requirements. A condition will be placed on the permission requiring the attenuation measures to be constructed to the specifications of the acoustic report and maintained thereafter.

- Given that Environmental Health officers are satisfied that the new plant meets noise requirements, it is not considered necessary or reasonable to restrict the hours of use. The applicant has advised that a liquor licence was granted by the Council's Licensing Committee on 25 September 2006, for the following hours: Monday-Thursday alcohol until 11.30pm close at midnight; Friday & Saturday alcohol until midnight close at 12.30am; Sunday alcohol until 10.30pm close at 11pm.
- The proposed kitchen extract duct is proposed to be removed and replaced to match existing, with a different arrangement at roof level to accommodate the location of the new plant. A condition will be placed on the permission to ensure that the duct is attached to the host building to comply with Council noise and vibration requirements.
- It is noted that planning powers do not control odour pollution; this is addressed by Environmental Health legislation. An informative will be placed on the permission drawing the applicants' attention to the need to comply with the requirements of this legislation, particularly in respect of arrangements for ventilation and the extraction of cooking fumes and smells.

With regard to the impact of the proposal on the character and appearance of the conservation area the following is noted:

- The plant has been appropriately sited to not be visible from Belsize Lane. The Frog Box would be set in 2 metres from the side of the building, and 900mm in from the rear wall, this in combination with the limited width of Belsize Mews and the height of the building will ensure the plant would not be visible from the Belsize Lane street scene. However the planting along the side of the roof form will be visible from the street scene, however this is considered to be an unobtrusive addition that would integrate easily with the surrounds.
- Issues relating to the maintenance of the landscaping have been discussed with the applicant and they have advised that they are comfortable with a requirement, through a condition, to maintain this landscaping. This will be reflected in the decision.

With regard to the visibility of the plant from the surrounding residential properties the following is noted:

- As noted previously, the building on the subject site is divided into several occupancies, with the restaurant on the ground and basement level, and two residential units above, and as such the applicant does not have any rights to the top roof and thus this is not a feasible location for the plant.
- The applicant has indicated in correspondence and discussions that the nature of the plant to service the site has been extensively investigated (see email 10/10/2006), and that the reasoning for the size and siting of the plant was to restrict views of the plant from the rear window of the first floor flat of the subject site, which has views over the rear roof.
- It is considered appropriate that priority be given to protecting this window, as it is the most directly affected. Given that the units would not be dispersed across the roof, the structure does have a considerable height. However, as the primary interface with Belsize Lane is unaffected, it is considered an acceptable compromise.
- The properties facing Belsize Lane which back onto Belsize Mews are commercial in nature, and it is considered that the rear elevations of commercial properties are a typical location for service units. The applicant has sought to soften the impact of the Frog Box through the use of landscaping.
- It is noted that the applicant has not specified a colour for the new structures. A condition will require it have a dark matt grey finish, similar to the previous decision (PWX0202360/R1), which will assist in integrating the new structures with this elevation.

The proposal works are considered to be respectful of the character and appearance of the building, unobtrusive in the street scene and in no way detrimental to the amenity of the conservation area or surrounding properties, and thus is considered to have appropriate regard for relevant policies of replacement UDP (SD6, SD7, SD8, B1, B3 and B7).

**Recommendation:** Approve.

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