

2019/0521/P



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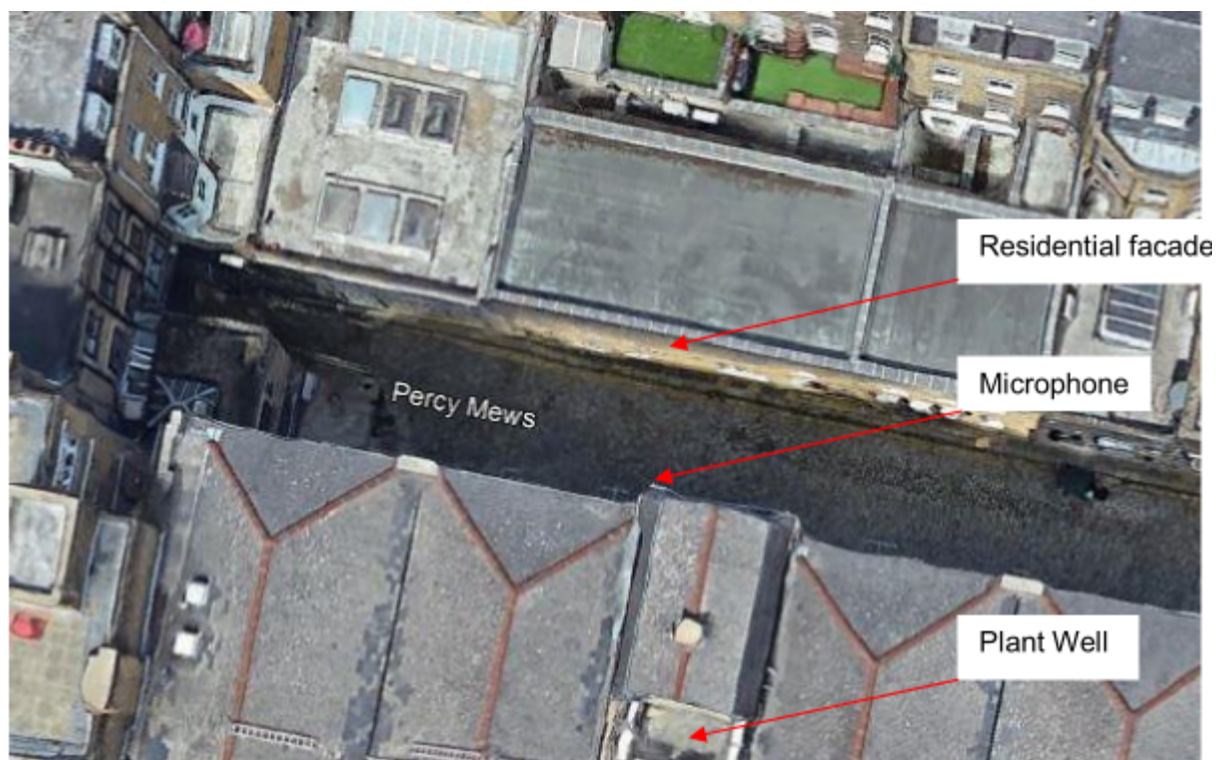


Image 1. Showing the nearest residential façade.

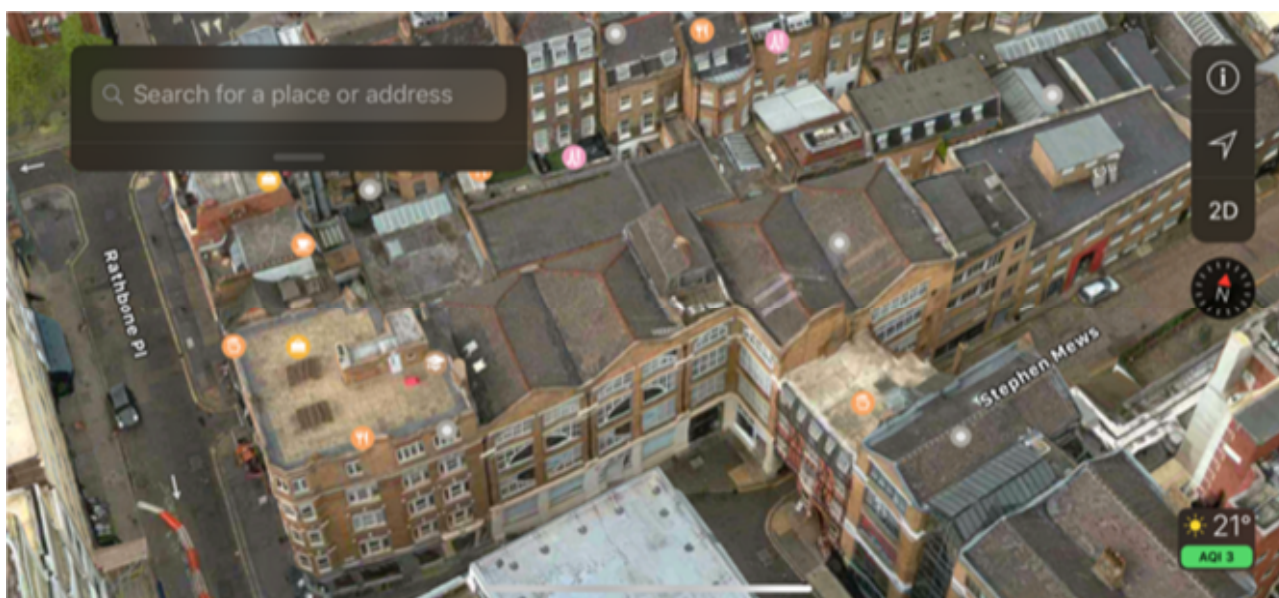


Image 2. Showing the plant light well.

Delegated Report (Members' Briefing)	Analysis sheet		Expiry Date:		26/03/2019	
	N/A		Consultation Expiry Date:		24/03/2019	
Officer			Application Number(s)			
Obote Hope			2019/0521/P			
Application Address			Drawing Numbers			
34 Gresse Street London W1T 1QX			Refer to draft decision notice			
Proposal(s)						
Installation of two air condensers to roof top plant area at front of the building.						
Recommendation(s):		Grant conditional planning permission				
Application Type:		Full Planning Permission Application				
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice				
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	21	No. of objections	21
			No. Electronic	00	No. of supports	00
CAAC/Local groups* comments: *Please Specify		No comment/objection received.				

Summary of consultation responses:

Press notice published from 28/02/2019 to 24/03/2019

Site notice displayed from 27/02/2019 to 23/03/2019

4 objections received by the Gresse Street Residents Association at 25 Gresse Street including a petition signed by Flats 2; 3; 4; 8; 9; 12; 13; 17; 21; 23; 24; 48; 49; 59; 69 and are summarized as follows:

1. Noise associated with the a/c units impacting on health and well-being;
2. Pre-dawn deliveries, and;
3. Anti-social behaviour.

Officer response comments are as follows:

- *The Council's Environmental Health Team confirm that whilst there are previous noise complaints in this area they were not associated with the host building. Moreover, a condition has been attached to restrict the use of the plant equipment to Monday to Friday between the hours of 08:00AM to 20:00PM.*
- *The noise associated with the early deliveries is not a material consideration for this application.*
- *The same would also apply to anti-social behaviour that would be material consideration and would be under the purview of the Metropolitan Police.*

Site Description

The application site is a 4-storey building at the north end of Gresse St where it turns to join Rathbone Place. The building is used for variety of studios, design and office uses and all the adjacent buildings are commercial premises. The building has a plant well on the roof towards the front façade of the building.

The site is located within the Charlotte Street Conservation Area.

Relevant History

2007/3207/P – Installation of aluminium ventilation grille at street level to the external wall facing Percy Mews. **Granted** 10/09/2007.

2004/0614/P - installation of an air conditioning unit above a ground floor window to the rear. Refused 10/05/2004.

Reason for refusal:

"The air conditioning unit, by virtue of its location and appearance, is considered to be detrimental to the character and appearance of the host building, Percy Mews and the Bloomsbury Conservation Area. This is contrary to policies EN1 (General environmental protection and improvement), EN13 (Design of new development) and EN31 (Character and appearance of conservation areas) of the London Borough of Camden Unitary Development Plan 2000."

Relevant policies

National Planning Policy Framework 2019

London Plan March 2016

Camden Local Plan 2017

Policy A1 Managing the impact of development

Policy A4 Noise and Vibration

Policy D1 Design

Policy D2 Heritage

Policy TC4 (Town centres uses)

Camden Planning Guidance

CPG 1- Design (July 2015 updated March 2019) :

CPG 6- Amenity (September 2011 updated March 2018)

CPG – Employment sites and business premises

Charlotte Street Conservation Area Appraisal and Management Strategy 2008

Assessment

Proposal

1. Planning permission is sought for the installation of two external air conditioning condensers mounted on the roof of the building.
2. **Main planning considerations**
3. The main planning considerations are considered to be:-
 - the impact of the proposal on the amenity of neighbouring properties; and
 - the impact of the proposal on the character of the building and the conservation area.

Amenity

Noise and vibration

4. The flat roof of the host building already contains 2 x air condenser units and it is proposed to install 2 additional air conditioning condensers units.
5. Gresse Street Residents Association have reported that the noise emanating from plant equipment in the area is causing considerable disturbance and intrusion upon their amenity, especially at night. They state that the equipment as installed combined with the proposed air condenser units would result in unwanted noise levels from both the existing and proposed equipment.
6. An acoustic assessment produced by Munro Acoustics Limited (dated January 2019) was submitted as part of the initial application. The report provides the a survey of anticipated noise levels and identifies that the nearest residential properties are along Percy Mews to the rear of the building, approximately 18m away from the site of the proposed plant. There is no direct line of sight between the plant lightwell and the nearest residential windows. Moreover, the distance and the building itself forms an acoustic barrier. The site of the proposed plant is c.60m from the nearest habitable room windows on 25 Gresse Street.

7. The acoustic report was undertaken using out-dated criteria to assess the noise levels, namely the expectation that resulting noise shall be lower than the lowest existing background noise level by at least 5dBA rather than the new Local Plan standard of 10dBA. Nevertheless, the report concludes that satisfactory noise emissions and plant criteria would be achieved. On this basis and the noise levels contained in the report, environmental health officers are satisfied that the proposal is acceptable, subject to the 10dB noise standard and a post-installation test to confirm that the standards have been met. The submitted noise report identifies that the plant equipment should have anti-vibration measures fitted, and would be used during office hours. Planning conditions would therefore be added to secure such measures and automatic timeclocks to restrict the plant to the hours of 08:00 to 20:00 Monday to Friday (and not at all on Saturdays, Sundays and public holidays).
8. Given that the additional mitigation measures and assessment cited within the report the overall proposal demonstrates theoretically that Camden's noise criteria and requirements of policy A4 will be achieved. Moreover, the proposed specific conditions would be included with planning permission to ensure that this is achieved, it is considered that the amenity of neighbouring occupiers would not significantly be harmed by the proposals with regard to noise or vibrations.

Design and appearance

9. Local Plan Policies D1(Design) and D2 (Heritage) states that within conservation areas, the Council will only grant permission for development that preserves and enhances the character and appearance of the conservation area.
10. The proposed air condenser units would installed within the existing plant well on the roof of the building and measure 0.8m in width x 0.3 in depth and 0.7m in height towards the southern elevation and would installed within the front section of the light well of the flat roof. Nevertheless, with paragraph 24.18 of policy A4 in mind which states that "*air cooling, heating, ventilation and extraction systems... ancillary plant and ducting should be contained within the envelope of a building or be located in a visually inconspicuous position*". The plant would be set behind the front parapet and although the top of the units may be glimpsed in long views along Gresse Street it is considered that the condensers would not be harmful to the character and appearance of the building or the wider conservation area.
11. Considerable importance and weight has been attached to the harm and special attention has been paid to the desirability of preserving or enhancing the character or 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.

Conclusion

12. Overall it is considered that the proposals would preserve the character and appearance of the building and the wider conservation area in accordance with the NPPF and policies D1 (Design), D2 (Heritage) and, subject to the mitigation conditions, would not lead to additional noise nuisance or harm to residential amenity in accordance with policies A1 (Managing the impact of development), A4 (Noise and Vibration).

Recommendation

13. Grant planning permission with conditions

DISCLAIMER

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 24th June

2019, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Application ref: 2019/0521/P
Contact: Obote Hope
Tel: 020 7974 2555
Date: 19 June 2019

Development Management
Regeneration and Planning
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Swerford Advisors
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DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
34 Gresse Street
London
W1T 1QX

Proposal:
Installation of two air condensers to roof top plant area at front of the building.
Drawing Nos: R-000 REVA, R-001 REVA, Buy a Plan Site Location Map and Acoustic Report
Munro Acoustics LTD dated 16th January 2019.

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

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 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 D1 and D2 of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: R-000 REVA, R-001 REVA, Buy a Plan Site Location Map and Acoustic Report commissioned by Munro Acoustics LTD dated 16th January 2019.

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

- 4 Prior to first operation of the plant equipment, a post-installation acoustic report shall be submitted to and approved in writing by the Council.

The report shall confirm the external noise levels with all machinery operating together at maximum capacity, and any mitigation measures necessary, in order to achieve the Council's noise standards set out in condition 6, at the nearest and/or most affected noise sensitive premises.

The plant shall be operated in accordance with the details as approved and shall thereafter be maintained in accordance with the manufacturer's recommendations.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 5 Prior to first use of the plant equipment hereby approved:

- a. the equipment shall be mounted with proprietary anti-vibration isolators, as recommended in the acoustic report hereby approved, and fan motors shall be vibration isolated from the casing.
- b. Automatic timeclocks shall be fitted to the equipment to ensure that the plant equipment is not operational outside of the hours of 08:00 to 20:00 Monday to Friday and shall not be in operation at all on Saturdays, Sundays and public holidays.

All such measures shall thereafter be permanently retained and maintained in accordance with the manufacturers' recommendations.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 6 Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(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 15dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that 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, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 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 Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website 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 paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Director of Regeneration and Planning