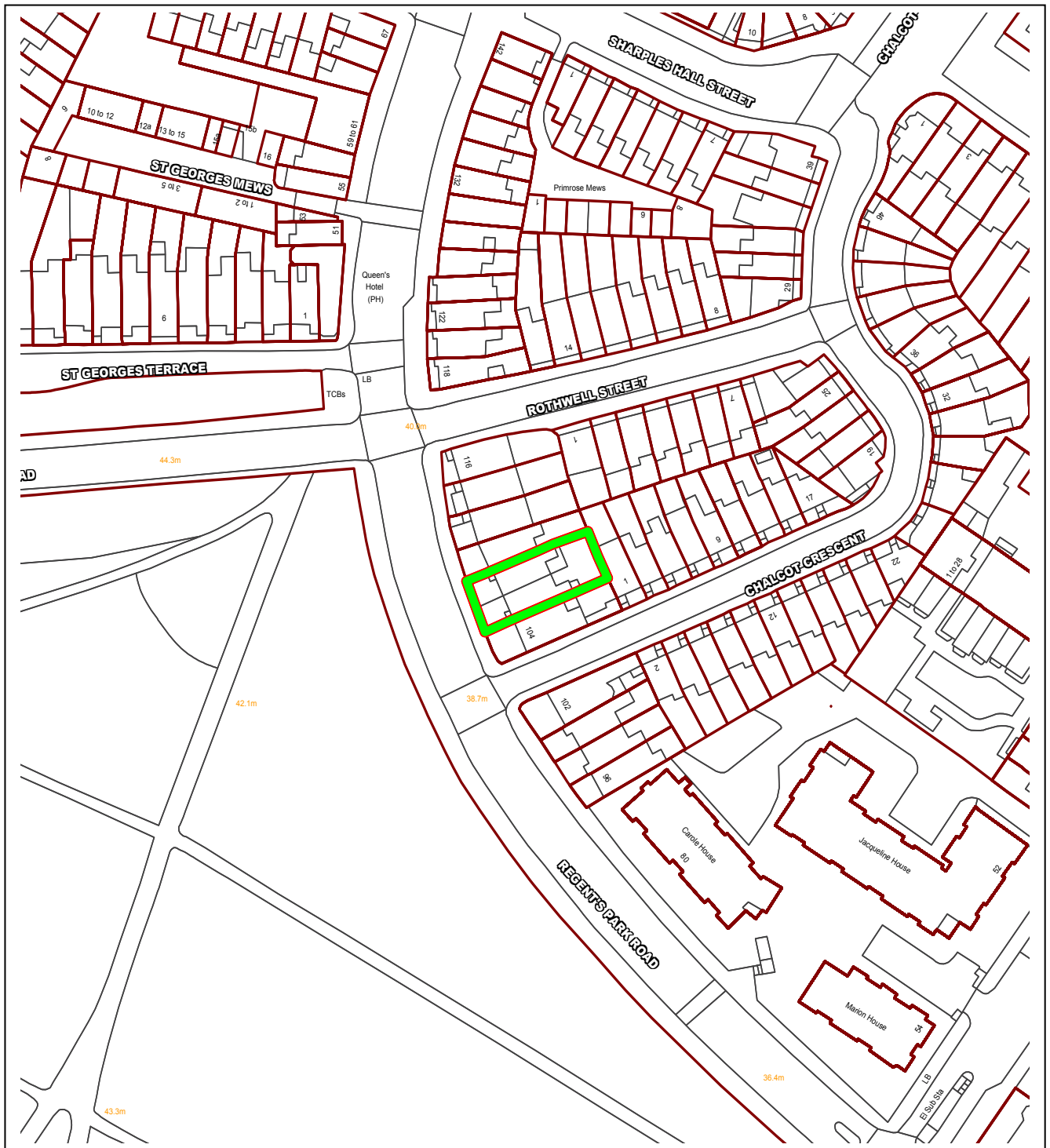


2020/4034/P 106 and 108 Regent's Park Road



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Image 1. Front elevation



Photo 2 Lower ground floor at no.106



Photo. 3 Lower-ground floor at no.108



Photo 4 showing the rear elevation from Chalcot Crescent

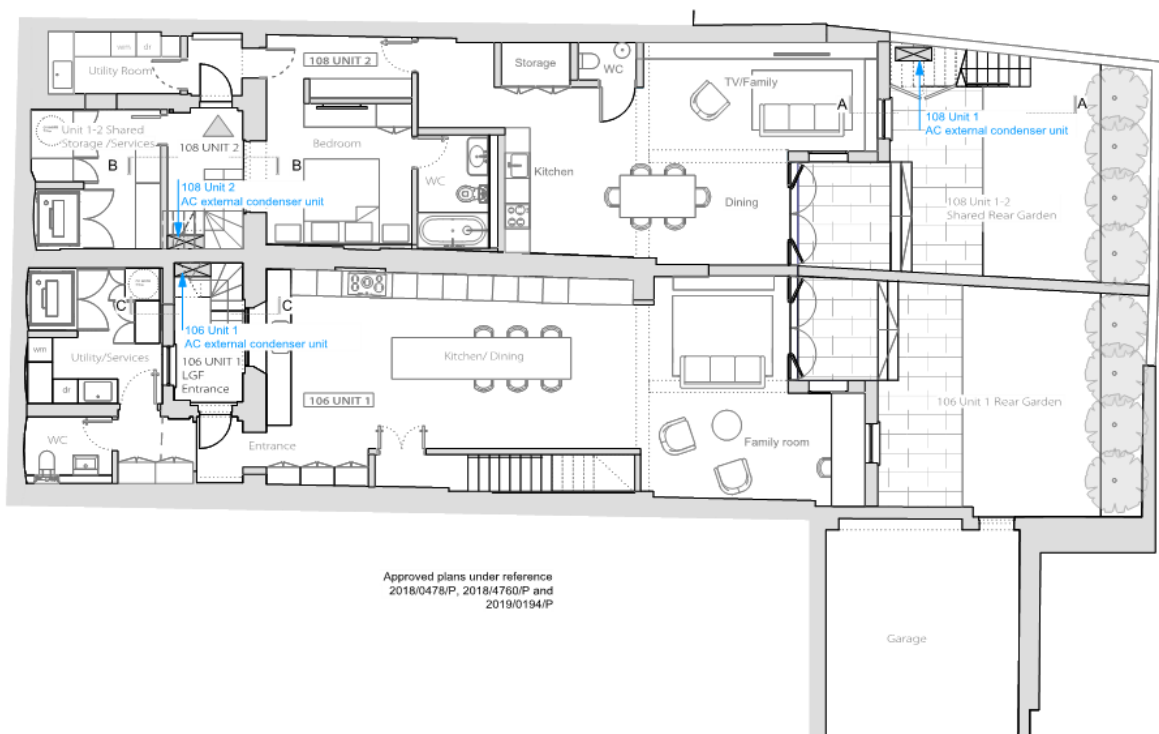
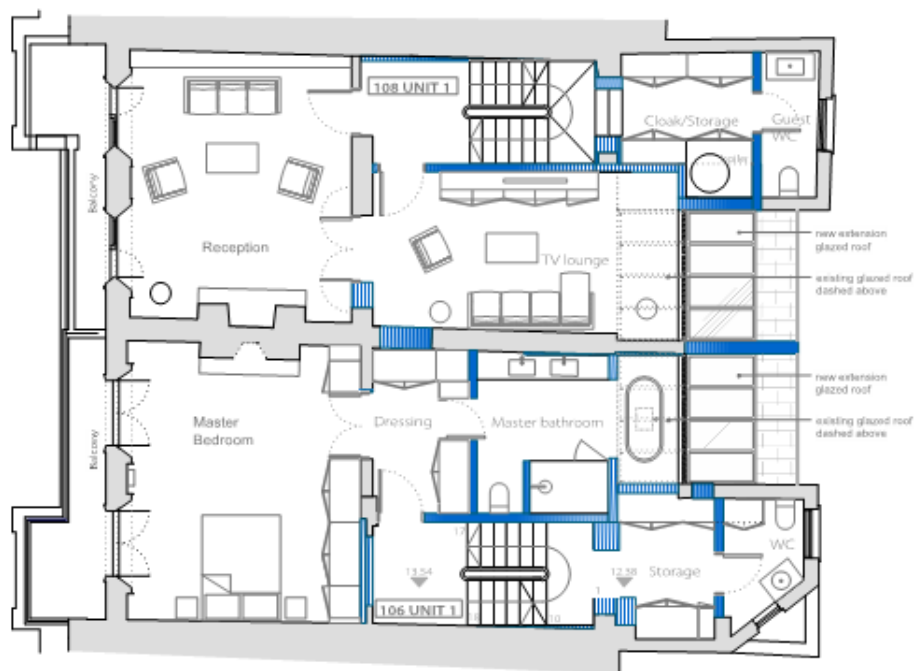


Image 5. Proposed lower ground floor plan



First Floor

Image 6. First floor plan



Second Floor

Image 7. Second Floor plan

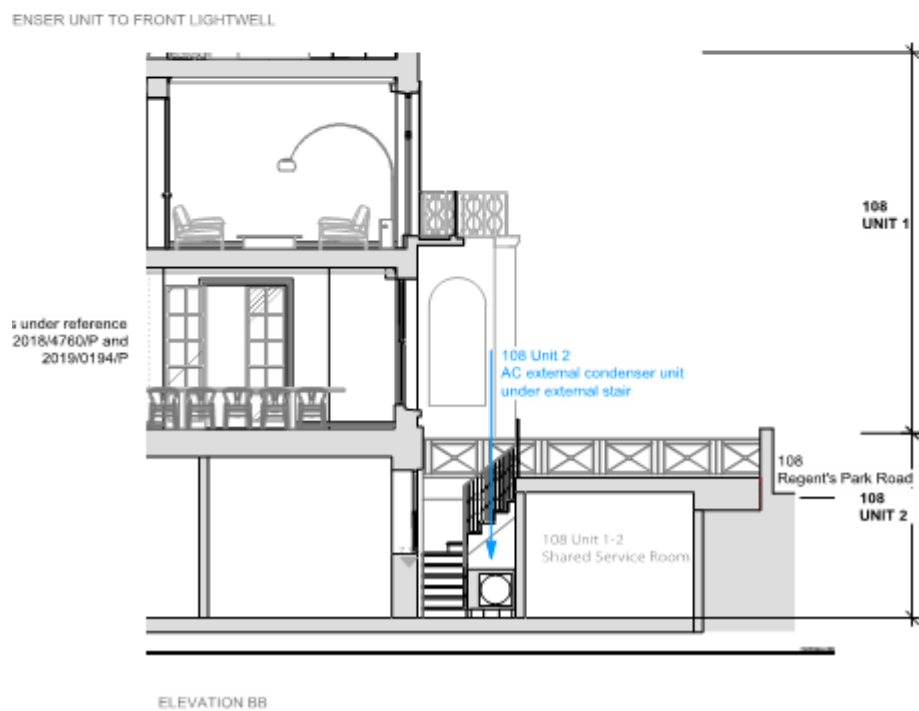
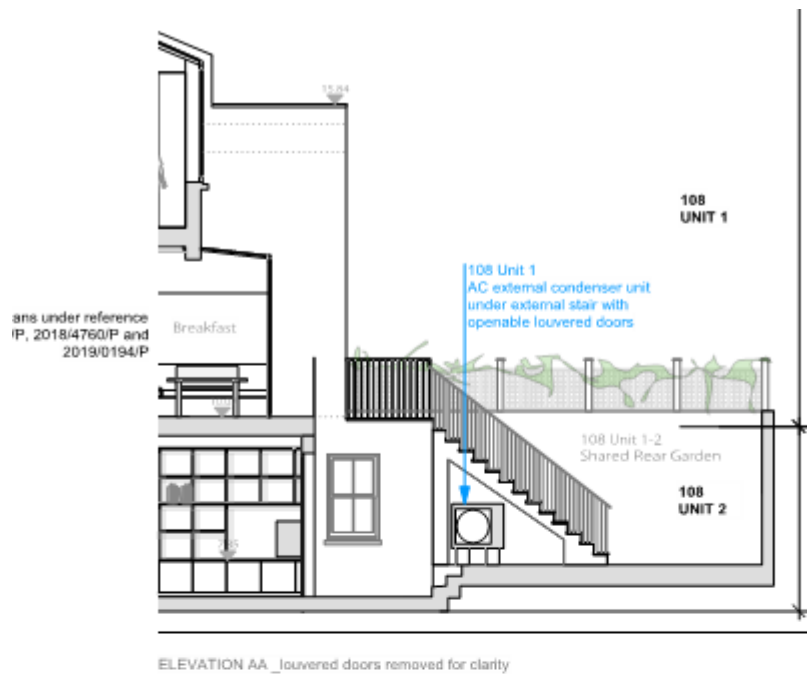
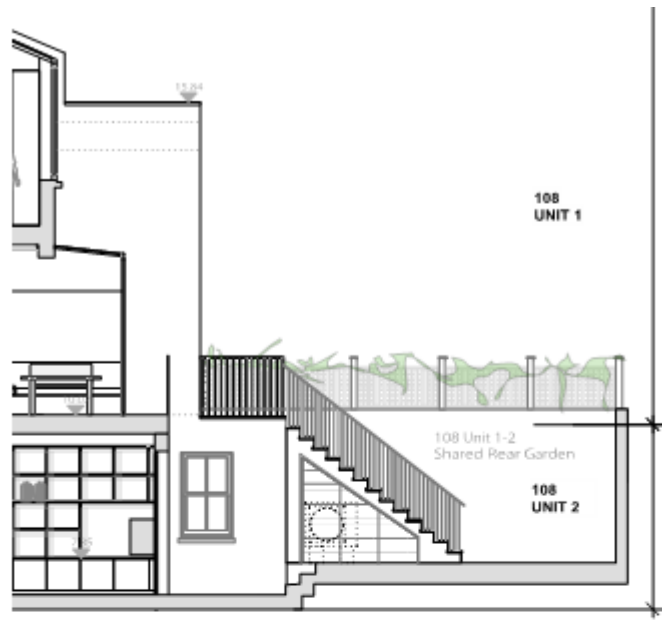
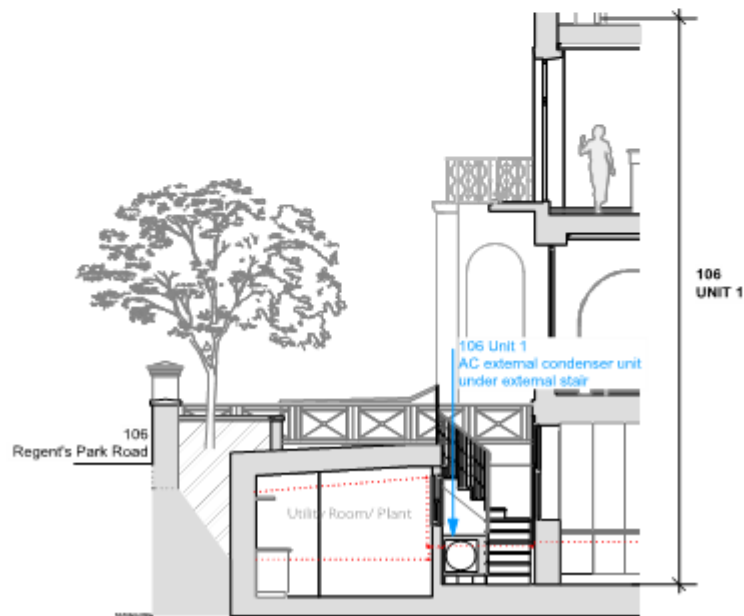


Image 8. Elevation AA and BB at 108 showing the proposed air condenser unit.



ELEVATION AA

106 CONDENSER UNIT TO FRONT LIGHTWELL



ELEVATION BB

Image 9. Elevation AA and BB at 106 showing the proposed air condenser unit to the front elevation.

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	30/10/2020
		N/A / attached		Consultation Expiry Date:	27/11/2020
Officer			Application Number(s)		
Obote Hope			2020/4034/P		
Application Address			Drawing Numbers		
106 and 108 Regent's Park Road London NW1 8UG			See draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Installation 1 x new external air condenser unit to the front at lower-ground floor to 106 Regent's Park Road No and 2 x new air condenser units (to the front and rear) at lower-ground floor at 108 Regent's Park Road.					
Recommendation(s):		Grant conditional planning permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	00	No. of objections	00
Summary of consultation responses:	Press notice published from 08/10/2020 to 01/11/2020 Site notice displayed from 07/10/2020 to 31/10/2020 No responses were received from neighbouring properties.			
Primrose Hill CAAC	Primrose Hill CAAC's objections are summarized as follows: 1. The agent's Design and Access statement clarifies that the application proposals are as follows, the report identifying the condensers (units) at (unnumbered p. 3) as: At No. 106, Unit 1 located at the front of the house, to serve the master bedroom at the 1st floor At No. 108, Unit 1 located at the rear of the house, to serve bedrooms at 1st and 2nd floors; at No. 108, Unit 2 located at the front of the house, to serve the bedroom at the lower ground floor of the building. 2. We question the statement, and the Overheating analysis as follows. No plans have been submitted of the whole property with this application, so we have referred to ref 2019/0194/P for layouts and details necessary to consider this application. The plans allow the application to be understood both in context – including the front garden – and to see the arrangement of the rooms to be served by the proposed condensers, At No. 108 (unit 1) there is no bedroom at 1st floor shown on the 2019/0194/P drawings. We question the need for Unit 1 at No; 3. There is a statement at p. 8 in the Overheating analysis 'Another issue is that the windows will have to be assumed to be closed at night as it is directly below a busy road so noise is an issue and closed curtains will also affect the airflow into the space. This statement is made generally, but only the lower-ground-floor bedroom at no. 108 can be said to be located 'below' a road, and it is not directly below in that there is a former front garden and area between the road and the house; 4. It is striking that no allowance has been made for the shading and sheltering effect of trees or other planting in the former front garden. The analysis, at p. 10, states that 'Trees have been omitted in case they are ever removed in the future'. We note the tree at No. 106 and that trees are subject to protection in the conservation area, we also note that other planting can be effective in shade and noise attenuation, and; 5. We also note that the bedroom at the lower ground floor in No. 108 is stated at 2019/0194/P Section EE to be a guest bedroom. What occupancy might be expected for a guest bedroom to justify Unit 2 at No. 108? We question the justification for Unit 2 at no. 108; 6. We suggest, as residents who live in the area and in houses and flats built to comparable plan, that through ventilation is possible, and that the problems of over-heating are over-stated here; 7. We urge the Council to take the climate emergency seriously and refuse consents for unjustified use of plant and energy. The Council rightly asks for applicants to fund Council nominated, independent structural engineers to test the structural			

proposals for basements: a comparable approach would be helpful in applications for plant of this kind;

Officer response:

1. *The Agent confirmed that a mistake has been made in the submitted D&A Statement which was revised. The revised statement confirmed that the bedroom at First and Second Floors of unit 1 108 Regent's Park Road are actually located at Second and Third Floors, the second and third floor plans have also been submitted to fully assess the proposal.*
2. *Please see the above.*
3. *The bedrooms at 108 Regents Park road is which is subject to the proposed air condenser unit is located at lower-ground floor level which are both facing Regent's Park Road. The agent stated that given that the road is busy it is reasonable to conclude that these bedroom windows if left open would be subject to traffic noise. Hence, is the windows are closed at night to prevent noise as explained in the Overheating Analysis;*
4. *No 108 front garden area has been maintained as existing (paved with York stone slabs) and has been extended to allow shared storage/service room at Lower Ground Floor flat as indicated on 1939 P 201 rev A and 1939 P-224 of the approved planning permission 2019/0194/P. Whilst it's accepted that by planting trees/shrubs that can act as shades, it is considered that even if planters and shrubs are grown to the front area may not provide sufficient screen or shelter to the bedrooms facing Regent's Park Road especially those at second and 3rd floors;*
5. *The air condenser unit at 108 located at lower-ground floor is an independent apartment as per approved plan 1939 P 201 rev A of the approved planning permission 2019/0194/P. The bedroom will be a regular use and the assessment undertaken by the applicant/agent confirm that the bedrooms currently do not supply adequate cooling.*
6. *All planning application is assessed on a "case by case" basis, Local and National planning legislation/policies requires justification for installing air condenser units on existing buildings especially on residential properties. It should be noted that, the need for cooling system depends on the conditions of each particular building's internal layouts and sun exposure. All those elements have been analysed and tested through a thermal model as illustrated by the Overheating Analysis that was submitted with this application. The report has proven the need for cooling systems for both properties to prevent overheating during the summer months, the agent have also taken the despite/layout of both properties under consideration including possible mitigation measures as illustrated in paragraph 1.4 of the Overheating Analysis document submitted, and;*
7. *The LPA takes Climate change seriously and each application is carefully assessed on its own merit. This is no different for application seeking permission for air condenser units which must demonstrate that other means of heating and cooling the property have been exhausted which is assessed below.*

Site Description

The application contains two mid terrace three storey dwellings located on east side of Regent's Park Road with the junction of Chalcot Crescent and both properties are divided into two self-contained flats (1x1-bed; 1x2-bed) located on the lower ground floor of each address.

The properties have access to a shared garden, and a single garage which is accessed from Chalcot Crescent. The properties are not listed; however, they are situated in the Primrose Hill Conservation Area and identified as positive contributors in the Conservation Area statement.

Relevant History

2019/0194P – Planning permission was **granted** on 27th November 2019 for the erection of rear extensions at lower ground, ground and first floor levels; partial front infill extension at lower ground floor level; lowering of floor level throughout; and other external changes including fenestration alterations and reinstatement of garden wall in association with reconfiguration of building into single dwelling house (5-bed) and two self-contained units (1x1-bed; 1x2-bed).

2016/3091/P – Planning permission was **granted** on 12th July 2016 for the conversion of the existing property from 3 x self-contained units (1 x 1Bed, 1 x 2Bed & 1 x 6bed), to 1 x 4Bed house, 1 x 4Bed maisonette and 1 x 2Bed flat.

2008/1274/P – Planning permission was **granted** on 12th May 2008 for the change of use and works of conversion to convert a single-dwelling house at No. 106 and the upper maisonette at No. 108 (Class C3) into a single-family dwelling house together.

Relevant policies

National Planning Policy Framework 2019

London Plan 2021

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 CC1 Climate change mitigation

Policy CC2 Adapting to climate change

Camden Planning Guidance 2021

CPG Design (January 2021)

CPG Home Improvement (January 2021)

CPG Amenity (January 2021)

CPG Energy efficiency and adaptation (January 2021)

Primrose Hill Conservation Area Statement 2000

Assessment

1.0 Proposal

- 1.1. Planning permission is sought for the installation of 1 x Air condenser unit under the front lightwell at 106 Regent's Park Road. At No.108 one AC unit is proposed under the front lightwell and one would be installed to the rear at lower ground floor level within the shared garden under the concrete stairs. The proposed 1 x Daikin RXYSCQ4TV1 units would measure approximately 990mm in width, 250mm in depth x 250mm x 620mm in width and 2 x the Daikin RZAG50A unit would measure approximately 790mm in width x 250 in depth x 620 in height.

2. Main planning considerations

2.1 The main planning considerations are considered to be:-

- Design and appearance of the listed building and the conservation area;
- Amenity of neighbouring properties;

- Sustainability and the 'cooling hierarchy'.

3.0 Design and appearance

3.1 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.

3.2 At no. 106 Regent's Park Road the proposed freestanding air condenser unit would be installed under the front lightwell within the concrete stair serving the master bedroom at lower ground floor level. At 108 Regents Park Road, one unit would be located under the concrete stair to the front elevation serving the lower ground floor apartment and the other Daikin RXYSCQ4TV1 unit would be located within the rear shared garden under the concrete stair that would serve the two bedrooms of the lower ground floor maisonette. The unit under the rear stairs will be enclosed with openable louvered doors in line with the noise mitigation measures outlined in the acoustic report. The proposal would not have a harmful visual impact given its visually inconspicuous location. Thus, the proposed condensers given their siting and scale is not considered harmful to the external appearance of host building nor would the proposal be visually harmful to the appearance of the wider Primrose Hill Conservation Area.

3.3 The mechanical plant would not have an impact on the architectural integrity the buildings and the proposed condenser units would be freestanding under the lightwells to the front and rear elevations. Given its setting, the proposed air-conditioning units would remain out of public view and the visual significance of these buildings in their own right would remain unaffected. Moreover, the contribution that the host building makes to the character and appearance of the conservation area would be unaltered and no harm would occur to the historic architecture of the host buildings.

3.4 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.

4.0 Amenity

Noise and vibration

4.1 The Acoustic report stipulates that the nearest noise sensitive receptor (NNSR) is 104 and 110 Regent's Park Road which is separated from the enclosure by a minimum of 6m and 3m respectively from the proposed plant location and the nearest receptor does not have direct line of sight to the plant as it is screened from view by the building envelope.

4.2 The Acoustic report was assessed by an Environmental Health Noise Officer who concludes that the noise levels would be negligible at the closest receptor. Therefore, it is not expected that the proposed air condenser units would not have an adverse impact on the nearest residential receptor and no objection is raised to the installation of the freestanding units to both properties. The cumulative noise emission levels from the proposed plant has been assessed in the report to be compliant with the plant noise emission limits, with necessary mitigation measures specified and is therefore acceptable in environmental health terms subject to condition.

5.0 Energy and Sustainability

5.1 In accordance with CC2 (Adapting to climate change) the policy discourages active cooling and air conditioning and air conditioning units will only be permitted where thermal modelling demonstrates that a clear need for it after all preferred measures have been incorporated / investigated in line with the London Plan cooling hierarchy. The cooling hierarchy requires passive measures to be considered in the first instance. If passive cooling is not feasible then, applicants need to identify the cooling requirement and provide details of the efficiency of the system.

5.2 The following measures that should be considered prior to active cooling are as follows:

1. Water based cooling systems reduce the need for air conditioning by running cold water through pipes in the floor and/or ceiling to cool the air;
2. Evaporation cooling could also be investigated, this cools air through the simple evaporation of water.

3. Ground source cooling. Ground source cooling is provided by a 'ground source heat pump' in the summer the ground stays cooler than the air and the difference in temperature can be harnessed for cooling;
4. Exposed concrete slabs can provide natural cooling. This leaves internal thermal mass (concrete slabs, stone or masonry which form part of the construction) inside a building exposed so that it can absorb excess heat in the day and slowly release it at night, and;
5. Developments could adopt a natural 'stack effect' which draws cool air from lower levels whilst releasing hot air.

5.3 The applicant has supplied additional information to address the points above. With regards to measures 1 and 2, these elements would require significant intervention to host buildings. Water based cooling systems consist of cooling towers, condenser water pumps, reservoirs of cooling fluid, and make-up pumps better suited for new builds rather than historic buildings in conservation areas. Measures 3 to 5 are applicable to new build dwellings only rather than existing buildings, In this instance this application would only be assessed as retrofitting options.

5.4 TM52 (2013) provides a methodology to assess 'Adaptive Thermal Comfort'. It is based on the comparison between the predicted room temperature and a maximum acceptable room temperature calculated from the 'running mean' of the outdoor temperature (Trm). The running mean places greater weight on the temperature closer to the present as these have more influence on a person's comfort levels.

5.5 An Overheating Report from Consulting Engineers was submitted with the application that did a comprehensive heating and Cooling hierarchy of both properties, the report identified measures pertaining to the passive and mechanical ventilation within the internal thermal mass of both properties. The result of the testing confirmed that all the bedrooms failed the assessment in measuring the overheating criteria in accordance with TM52 and whilst blinds and window openings provide a marginal benefit, given the site's location and building layout the report stipulate that there is no means of achieving suitable natural ventilation strategies for both unit would require significant intervention. With the contributed factors to this finding are the single sided layout and existing window openings. The Engineers confirmed that, in order to achieve compliance with the overheating criteria, via passive measures, the form/layout of the entire buildings would have to be undertaken to achieve the required reduction in overheating which is not a viable option.

5.6 The report confirmed that *"given the number of bedrooms separate intake and exhaust louvres would be required to penetrate through the external façade. The building is constrained via its layout, floor to ceiling heights and limited exposed facades, therefore louvres would have to be exposed on both frontages of the house. Looking to extend the routes to potentially discharge at roof level would require significant amounts more ducting, fan power energy and builders work to make this work"*. These works are not consider appropriate for the host building and conservation area.

5.7 The report further states that the bedrooms fail the overheating criteria in accordance with CIBSE TM52 and as discussed in paragraph 5.5 above, the existing building does not lend itself to be able to passively cool these areas without significant alteration to the exterior façade and existing internal plan layouts. The agent confirmed whist the design team explored these options but they were considered to be not practicable given the site constraints and the active cooling system will only be used in excessively high temperatures.

5.8 Given the above it is considered that the applicant has explored the cooling hierarchy in line with guidance.

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 22nd March 2021, 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: 2020/4034/P
Contact: Obote Hope
Tel: 020 7974 2555
Email: Obote.Hope@camden.gov.uk
Date: 5 March 2021

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk

Greenway Architects
Branch Hill Mews
London
NW3 7LT

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

**106 and 108
Regent's Park Road
London
NW1 8UG**

DECISION

Proposal:

Installation 1 x new external air condenser unit to the front at lower-ground floor to 106 Regent's Park Road No and 2 x new air condenser units (to the front and rear) lower-ground floor at 108 Regent's Park Road.

Drawing Nos: 1939 C - 000; 1939 P - 203; 1939 P - 204; 1939 P- 305; 1939 P- 306 and Design and Access Statement commissioned by Greenway Architects dated September 2020.

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: 1939 C - 000; 1939 P - 203; 1939 P - 204; 1939 P- 305; 1939 P- 306 and Design and Access Statement commissioned by Greenway Architects dated September 2020.

Reason:

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

- 4 The external noise level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the typical background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

Reason: To safeguard the amenities of neighbouring noise sensitive receptors in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 5 Prior to use of the units, mitigation measures including the installation of louvred doors to the enclosure in the rear of No.108 shall be implemented in accordance with the recommendations of the acoustic report hereby approved. All machinery or equipment and ducting shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

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.

- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

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 must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

DRAFT

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

Chief Planning Officer

DECISION