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| Delegated Report | | Analysis sheet | | Expiry Date: | 30/03/2021 |
| | | N/A / attached | | Consultation Expiry Date: | 14/03/2021 |
| Officer | | | Application Number | | |
| Joshua Ogunleye | | | 2020/4238/P | | |
| Application Address | | | Drawing Numbers | | |
| 21 Cressy Road London NW3 2NB | | | Please refer to decision notice | | |
| PO 3/4 | Area Team Signature | C&UD | Authorised Officer Signature | | |
| | | | | | |
| Proposal | | | | | |
| Erection of timber storage unit containing 2x air conditioning (condenser) units in rear garden. (Retrospective) | | | | | |
| Recommendation: | | <p>i) Refuse planning permission and enforcement action to be taken.</p> <p>ii) That the Borough Solicitor be authorised to issue an Enforcement notice under Section 172 of the Town and Country Planning act 1990 as amended to remove the unauthorised 2 x air conditioning units, and officers be authorised in the event of non-compliance, to commence legal proceedings under Section 179 or other appropriate power and/or take direct action under Section 178 in order to secure the cessation of the breach of planning control.</p> | | | |
| Application Type: | | Householder application | | | |

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| Conditions or Reasons for Refusal: | Refer to Decision Notice | | | | | |
| Informatives: | | | | | | |
| Consultations | | | | | | |
| Adjoining Occupiers: | | | No. of responses | 1 | No. of objections | 1 |
| Summary of consultation responses: | <p>The application was advertised in the local press on 18/02/2021 and site notices were displayed on 12/02/2021.</p> <p>One letter of objection was received from the owner/occupier of 129 South End Close:</p> <ul style="list-style-type: none">No details provided of any consultation with neighbours in Cressy Road. Can a condition of approval be consent from Neighbours based upon sound or any other inconvenience? Ark planning approval and a similar disregard for or the local community may also have been a factor. This will improve community relations in the immediate area and offer confirmation the hurried new-build is not an inconvenience to others. | | | | | |

Site Description

The application site comprises a large two storey residential property in use as two residential flats. The building was recently redeveloped following planning permission being granted in 2015 (see planning history section below). The site is located on the west side of Cressy Road in a predominantly residential area.

The site is not listed but is located within the Mansfield Conservation Area. It is identified as making a positive contribution to the character of the area in the Mansfield Conservation Area appraisal and management strategy.

Relevant History

2014/2553/P - Change of use from 4 x residential units to 2 x residential dwellings (1x2 bed and 1x3 bed); excavation and development of a new basement; a lightwell and basement shaft to the side of the building; a replacement single storey rear extension and the installation of a new front wall and automatic gate to parking space. Granted 03/02/2015.

Relevant policies

National Planning Policy Framework 2021

The London Plan 2021

Camden Local Plan 2017

Policy G1 Delivery and location of growth
Policy A1 Managing the impact of development
Policy A4 Noise and vibration
Policy D1 Design
Policy D2 Heritage
Policy CC2 Adapting to climate change

Camden Planning Guidance

Design 2021
Amenity 2021
Home improvements 2021
Energy efficiency and adaptation 2021

Mansfield Conservation Area appraisal and management strategy 2008

Assessment

1.0 Proposal

- 1.1 The proposals seek retrospective planning permission for the installation of a timber storage cupboard containing two external condenser units.

2.0 Assessment

- 2.1 The principle considerations in the determination of this application are as follows:

- Design – Impact on the character and appearance of the host building and the Mansfield Conservation Area
- Amenity - Impact on amenity of neighbouring residents in terms of outlook, daylight, privacy and noise disturbance
- Energy and sustainability.

3.0 Design

- 3.1 The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. Policy D1 of the Local Plan requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.
- 3.2 Camden's Development Policies Document is supported by CPG (Design) and the Mansfield Conservation Area Statement.
- 3.3 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Buildings Act") is relevant to the determination of this application. It requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area when considering applications relating to land or buildings within that Area.
- 3.4 Given the small size of the timber storage cupboard, its visual impact would be limited and is not considered to cause harm to the character and appearance of the area or this part of the Mansfield Conservation Area in accordance with policies D1 and D2 of the Camden Local Plan.

4.0 Amenity

- 4.1 Policies A1 and A4 seek to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise, daylight and sunlight.
- 4.2 The proposals would not impact residential amenity by way of loss of outlook, daylight, or privacy. The principal consideration is the noise disturbance which would arise from use of the condenser units.
- 4.3 Policy A1 notes in paragraph 6.20 that when development that is likely to generate noise is proposed, the Council will require an acoustic report to accompany the application. Policy A4 seeks to ensure that noise sensitive uses (such as residential homes) are not negatively impacted by noise and vibration and states that the Council will only grant permission for noise generating development, including any plant and machinery, if it can be operated without causing harm to amenity. In assessing applications likely to generate noise, the Council will have regard to noise and vibration thresholds, set out in Appendix 3 of

the Local Plan and other relevant national and regional policy and guidance and British Standards.

- 4.4 Appendix 3 sets out Camden's noise thresholds which reflect observed effect levels outlined in National Planning Practice Guidance. The thresholds set noise levels for:
- noise sensitive development in areas of existing noise; and
 - noise generating development in areas sensitive to noise.
- 4.5 As the proposals involve the installation of new noise generating machinery in a residential area sensitive to noise, it is the thresholds set out in relation to the second point which is relevant in the assessment of the proposals. Table C of appendix 3 sets out noise levels applicable to plant and machinery and requires noise levels to be 10dB below background levels and no events exceeding 57dBL_{Amax}.
- 4.6 The applicant's supporting document submitted with the application assesses the development against the thresholds for noise sensitive development in areas of existing noise (i.e. the creation of new homes in a busy town centre location or industrial area – the first criteria in para. 4.4 above) and states that the condenser units 'do not exceed 55dBL'. The submission includes manufacturers details of the plant and a predicted noise output level, but a noise impact assessment has not been submitted with the application. As such, there is no assessment of background noise levels, and it is not possible to determine whether the proposed equipment would comply with the requirement to be 10dB below background noise levels.
- 4.7 In the absence of this information, it is not possible to determine whether the plant could be operated without causing harm to amenity, and as such, the development would be contrary to policies A1 (Managing the impact of development) and A4 (Noise and Vibration), and it is recommended that planning permission is refused for this reason.

5.0 Energy & sustainability

- 5.1 Policy CC2 states that active cooling (air conditioning) will only be permitted where dynamic thermal modelling demonstrates there is a clear need for it after all of the preferred measures are incorporated in line with the cooling hierarchy. The cooling hierarchy includes:
- Minimise internal heat generation through energy efficient design;
 - Reduce the amount of heat entering a building in summer through orientation, shading, albedo, fenestration, insulation and green roofs and walls;
 - Manage the heat within the building through exposed internal thermal mass and high ceilings;
 - Passive ventilation;
 - Mechanical ventilation; and
 - Active cooling
- 5.2 A number of these measures relate more to new build development, however, there are passive measures which could be incorporated into existing buildings. The Home Improvements CPG also suggests that passive cooling measures which do not rely on an energy source should be considered first, and these include the following measures:
- Shading (blinds, shutters, trees, vegetation);
 - High performance glazing, specially treated or tinted glass;
 - Green and brown roofs.
- 5.3 In this instance, the applicant has not provided a dynamic thermal modelling assessment, so it has not been demonstrated that the property is at risk of overheating or that there is a requirement for cooling. Secondly, the applicant has not demonstrated that alternative measures within the cooling hierarchy

have been considered and incorporated before resorting to active cooling. In the absence of this information, officers are not satisfied that the development has taken measures to minimise risks connected with climate change, and as such, the development is contrary to policy CC2 (Adapting to climate change) and it is recommended that planning permission is refused for this reason.

6.0 Conclusion

- 6.1 It is recommended that the application is refused due to the potential noise disturbance arising from the use of the plant and the absence of a dynamic thermal modelling assessment demonstrating the need for active cooling equipment, which is contrary to policies A1 (Managing the impact of development), A4 (Noise and vibration) and CC2 (Climate change adaptation measures) of the Camden Local Plan 2017.

7.0 Recommendation

Recommendation 1: Refuse planning permission

Recommendation 2: That the Borough Solicitor be authorised to issue an Enforcement Notice under Section 172 of the Town and Country Planning act 1990 as amended to **remove the unauthorised air condensers**, and officers be authorised in the event of non-compliance, to commence legal proceedings under Section 179 or other appropriate power and/or take direct action under Section 178 in order to secure the cessation of the breach of planning control.

Reasons for refusal

The applicant has failed to provide sufficient information to demonstrate that the proposed plant would operate in accordance with the Council's minimum noise and vibration standards and that that the plant, when operating at full capacity, would be capable of doing so without causing noise disturbance and harm to the local residential environment, contrary to policies A1 (Managing the impact of development) and A4 (Noise and vibration), of the London Borough of Camden Local Plan 2017.

In the absence of dynamic thermal modelling to demonstrate the need for active cooling equipment, the Council cannot be satisfied that the proposed works are necessary and that appropriate climate adaptation measures to reduce the impact of urban and dwelling overheating could not be achieved by other preferred measures as set out in the cooling hierarchy. The proposal is therefore contrary to Policy CC2 (Climate change adaptation measures) of the Camden Local Plan 2017.