

Our Ref: 784-A114658

London Borough of Camden
 Planning Department
 5 St Pancras Square
 London
 N1C 4AG

03 December 2021

Dear Sir/Madam,

FULL PLANNING APPLICATION FOR THE REPLACEMENT OF HEATING, COOLING AND VENTILATION SYSTEM AT UTOPIA VILLAGE, CHALCOT ROAD, PRIMROSE HILL, LONDON, NW1 8LH

Please find enclosed a planning application on behalf of our client, Utopia A Ltd, for the removal of the existing heating, cooling and ventilation plant, ducting and associated equipment and its replacement with a new, more efficient and consolidated system.

This application follows the submission and subsequent withdrawal of an earlier application (ref: 2020/2674/P), the details of which and the changes since that submission will be set out later in this letter. In light of objections raised to this previous application, the scheme has been revised to address concerns of neighbours and the Primrose Hill Conservation Area Advisory Committee (PHCAAC) following further engagement with both.

The existing heating, cooling and ventilation systems currently comprises a total of 10 boilers condenser units and one boiler which are dispersed externally across the roofs and walls of the building. This system is inefficient and no longer considered fit for purpose. As such, it is proposed to comprehensively upgrade the existing with a modern, efficient and consolidated system of cooling, heating and ventilation.

The following documents are being submitted for your consideration as part of this application:

Drawing no.	Title
19094-L0002	Location Plan
19094-SU2033	Survey – roof
19094-SU2050	Survey elevation (Ref. 9)
19094-SU2051	Survey elevation (Ref. 11)
19094-SU2052	Survey elevation (Ref. 8&10)
19094-PP3031	Proposed first floor plan
19094-PE3050	Elevation as proposed (Ref. 9)
19094-PE3051	Elevation as proposed (Ref. 11)
19094-PE3052	Elevation as proposed (Ref. 10)
19094-PP3033	Proposed roof plan
19094-PV3060	Photomontage existing services
19094-PV3061	CGI (existing v proposed)
19094-PV3061-A	CGI (proposed v previously proposed)

7203022 101 rev B	Acoustic enclosure for roof for PUZ-ZM condensers plans and setting out
7203022 201 rev A	Acoustic enclosure for PURY-EP condensers plans and setting out
7203022 201 rev A	Acoustic enclosure for PURY-EP condensers end elevation and section

In addition to the above drawings, we are also submitting the following documents to enable the application to be determined:

- Roof hood information;
- Information regarding the existing refrigerant from Callisia;
- Unit information from Mitsubishi Electric;
- Unit specification document from Mitsubishi;
- Environmental Noise Survey Report & Plant Noise Assessment (4th May 2020) – Noico Noise Control
- Addendum Acoustic Report (11th November 2021)– Noico Noise Control
- Air cooled condensers location review (March 2021) - WSP

Site and surrounding area

The site is approximately 0.4ha and comprises of a part two/three storey office building which forms part of the wider Utopia Village complex. The site is surrounded by terraces of mid-19th Century residential dwellings which are three storeys tall including a raised ground floor from street level, basements and further accommodate in the roof space on Gloucester Avenue, Edis Street, Chalcot Road, Egbert Street and Fitzroy Road. With the exception of 1 Fitzroy Road, none of the surrounding properties benefit from off-street parking. Parking in the area is controlled by Controlled Parking Zone and at Chalcot Road, parking near the commercial units are controlled through the use of residential permits and Pay and Display.

There are two pedestrian and vehicle accesses to Utopia Village, one from Chalcot Road and the other from Egbert Street.

The site lies within the Primrose Hill Conservation Area as defined in the relevant Local Plan. Neither the building to which this application relates or any immediately adjacent to it are Listed. This site lies within Flood Zone 1.

Planning History

The site has an extensive planning history. Below is set out what we consider to be relevant to this application:

Application ref	Application Type	Description	Decision
PEX0100374	Full planning permission	The erection of a curved roof extension to the main block fronting Egbert Street and an extension to the inner central block by a pitch roof extension over the existing walkway	Withdrawn
2013/6589/P	GPDO Prior Approval Class J Change of Use	Change of use from offices (Class B1a) to 53 residential units (Class C3) excluding units 8c, 11 and 11a.	Appeal allowed (recovered by Secretary of State)
2013/5111/P	GDPO Prior Approval Class J Change of Use	Change of use from offices (Class B1a) to 57 residential units (Class C3)	Withdrawn

2020/1251/P	Full planning permission	Replacement of ground and first floor lanterns; replacement of existing glazed roof with solid roof with rooflights; replacement of glazing on Egbert Street frontage; alternations to ground floor fenestration on north-west elevation	Approved
2020/2674/P	Full planning permission	Removal of existing condensers and associated vents and ducting, and installation of condenser units and acoustic enclosure, hood vents and louvered wall vents at roof level	Withdrawn

In addition to the above applications, the following relate to separate units which form part of the Utopia Village development:

Application ref	Application Type	Unit no.	Description	Decision
2006/0633/P	Full planning permission	8	Change of use from ground floor office unit (Class B1) to a fitness training facility (Class D2)	Approved
2006/5606/P	Full planning permission	3	Change of use from ground floor self-contained unit within existing complex of business units (Class D2) to dental surgery (Class D1)	Withdrawn
2009/3349/P	Full planning permission	1	Installation of new steps to replace existing spiral staircase to first floor level and installation of a replacement first floor door to office building (Class B1)	Approved
2009/3348/P	Full planning permission	1	Erection of a new staircase within a timber-clad enclosure to replace existing non-enclosed metal spiral staircase, enlargement of the opening at first floor and insertion of a replacement door at the first floor level of the office building	Approved
2010/4019/P	Full planning permission	10	Erection of an additional storey with a curved roof for	Refused

			office use (Class B1) to the existing 2 storey flat-roofed element of a part 2/part 3 storey office building	
2017/0023/P	Full planning permission	11	Change of use from gym (D2) to office (B1a)	Withdrawn
2018/0243/P	Full planning permission	22	Replacement of single glazed metal framed windows at side and rear 1 st floor level with double glazed aluminium framed windows	Approved

Proposal

Full planning permission is sought for the removal and replacement of the existing heating, cooling and ventilation systems comprising of 10 condensers and one boiler and associated vents and ducting which are currently dispersed externally across the roofs and walls of the building as shown on drawings 19094-PP3033 and 19094-PP3031. This system is inefficient and no longer considered fit for purpose. As such, it is proposed to comprehensively upgrade the existing with a modern, efficient and consolidated system of cooling, heating and ventilation.

The previous scheme proposed a new system, comprising a single bank of nine condenser units to be mounted on the north-facing flat roof section to the rear of the main three storey element of the building. It was proposed to be placed there as it was considered it would be least conspicuous both to neighbours and within the wider public realm. The system also included the installation of a total of 16 roof hood vents and four louvered wall vents, all of which provide passive vent points for the system to expel air.

Various objections were made by local residents to the above application, citing concerns relating to noise and visual impacts. The applicant therefore sought to engage with neighbours to arrive at a more mutually agreeable solution. Initially this involved a broad consultation exercise with all interested neighbours to the site, located within Egbert Street, Fitzroy Road and Gloucester Avenue. Subsequently it was agreed progress could be made via a 'working party' with representatives from each of the three adjoining streets. Similar engagement was also undertaken with the PHCAAC via their representative, Pam White.

This engagement process undertook a consideration of a range of alternative suggestions for the replacement plant (see Air Cooled Condensers Location Review, WSP, March 2021) – some were discounted for technical reasons whilst others considered less favourable on basis of perceived noise and/or visual impacts. General consensus arrived at the suggestion of a partially disaggregated system whereby the visual impacts are reduced by requiring a smaller installation in any one location and potential noise impacts are also lessened by reducing cumulative impacts of a single point of installation.

As a result, the proposed location of the units has been amended which we consider address concerns raised as well as providing a viable and workable system for the necessary heating, cooling and ventilation of the offices. Five of the units are now proposed to be in a similar location as original proposed as part of the previous application but with a smaller acoustic enclosure allowing the siting to be more tightly positioned to the building. The remaining four condensers are proposed to be located partly beneath an existing fire escape gantry/staircase on the western side of the building, also to be contained within an acoustic enclosure.

The system also includes the installation of a total of 16 roof hood vents and four louvered wall vents to provide passive vent points for the system to expel air. There are unchanged from the previous application.

To support the application, a noise survey has been prepared by Noico and is submitted for consideration. The original report measures the background noise levels in the area. An addendum (November 2021) is also provided which considers the design specification of the proposed acoustic enclosures and demonstrates their

ability to mitigate the noise to an acceptable level in this context. The report highlights the closest residential property from the proposed plant at 1st Floor to be 15m away (rear of Gloucester Avenue) and at 2nd Floor, the closest noise sensitive window is 7m to the rear of 14 Egbert Street. It is from these points that measurements were taken and are assessed. It should be noted that the plant will only be operational between 07.00-23.00. Section 5 of the Noico report sets out the noise levels between the proposed locations of the plan and the relevant closest windows. The results show that with the proposed mitigation measures that the equipment, in both heating and cooling modes, are below the design targets and those set by the WHO.

The consolidation of the existing dispersed and unsightly plant is considered to represent a benefit in terms of minimising the visual impact and placing the proposed units in the least conspicuous location. It is considered this would result in an enhancement to the Conservation Area.

A number of the existing units to be removed and replaced are positioned close to noise sensitive boundaries such that their removal will benefit their direct neighbours in terms of mitigating the noise impacts. The proposed location for the new units is both inconspicuous and positioned to be located at the furthest possible distance from neighbours. The location of the proposed units is a reasonable distance from any windows of neighbours to help minimise visual and noise impacts. The roof and wall mounted vents provide passive exhaust points only so would create negligible noise in themselves such that they would not have any detrimental impact on the amenity of neighbours.

Policy Assessment

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this instance the relevant plan is the London Borough of Camden Local Plan (adopted 2017) as well as the London Plan (2021). There is presently no Neighbourhood Plan which covers this area. First we cover relevant policy contained within the National Planning Policy Framework.

National Planning Policy Framework

That National Planning Policy Framework (NPPF) was originally published in March 2012. It has subsequently been revised and republished in July 2021. At the core of the document is a presumption in favour of sustainable development. The framework is a material consideration in the determination of planning applications.

Paragraph 8 outlines the three dimensions to achieve sustainable development as: economic (building a strong, competitive economy); social (providing the supply of housing required to meet needs and creating a high-quality built environment) and environmental (protecting and enhancing the natural, built and historic environment). The following paragraph advises that these should be delivered through the preparation and implementation of plans and the application of the Framework policies, taking into account local circumstances to reflect the character, need and opportunities of each area.

Paragraph 11 stresses that decisions should apply a presumption in favour of sustainable development which means that decisions which accord with an up-to-date Development Plan should be approved without delay. Where there are no relevant policies, the advice is to grant planning permission unless the policies within the NPPF provide a clear reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies alone.

Paragraph 38 advises that Local Planning Authorities should approach decision making in a positive and creative way and that they should proactively work with applicants to ensure developments will improve the economic, social and environmental conditions, whilst seeking to approve applications for sustainable developments where possible.

Section 12 deals with design and achieving well-designed places

Paragraphs 126 – 129 highlights that good design is a key aspect of sustainable development and stresses that plans should set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Great weight should be given to outstanding or innovative

designs which promote high levels of sustainability or help raise the standard of design more generally in the area, as long as they fit within the overall form and layout of their surroundings.

Paragraph 130 states that planning decisions should ensure that developments will, inter alia, function well and add to the overall quality of the area not just for the short term but the lifetime of the development; are sympathetic to local character and history including the surrounding built environment whilst not preventing or discouraging appropriate innovation or change and create places which are safe, inclusive and accessible that promote health and well-being, with a high standard of amenity for existing and future users.

Paragraph 132 advises that applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community.

Paragraph 187 states that decisions should ensure that new development is appropriate for its location and proposals should mitigate noise and reduce potential adverse impacts resulting from noise to a minimum.

The London Plan 2021

Policy D1 refers to London's form, character and capacity for growth. At paragraph 3.1.7, the supporting text to this policy states:

*"As change is a fundamental characteristic of London **respecting character and accommodating change** should not be seen as mutually exclusive. Understanding of the character of a place should not seek to preserve things in a static way but should ensure an appropriate balance is struck between existing fabric and any proposed change...."*

Policy D14 gives guidance on how residential and non-aviation development proposals can manage noise, including: avoiding significant adverse noise impacts on health and quality of life; mitigating and minimising the existing and potential adverse impact of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on existing noise-generating uses; where it is not possible to achieve separation of noise-sensitive development and noise sources without undue impact on other sustainable development objectives, then any potential adverse effects should be controlled and mitigated through applying good acoustic design principles.

Policy HC1 refers to heritage conservation and growth. It advises that Development Plans and strategies should *"demonstrate a clear understanding of the historic environment and the heritage values of sites or areas and their relationships with their surroundings. This knowledge should be used to inform the effective integration of London's heritage in regenerative change by:4) delivering positive benefits that conserve and enhance the historic environment, as well as contributing to the economic viability, accessibility and environmental quality of a place, and to social wellbeing."*

Chapter 6 relates to the economy. Policy E1 supports the improvements to the quality and adaptability of offices spaces through, inter alia, refurbishment.

Camden Local Plan 2017

Policy A1 seeks to protect the quality of life of occupiers, communities and neighbours. Factors to be taken into account during the determination of applications include visual, privacy, outlook, sunlight, daylight and overshadowing. In terms of protecting amenity, the supporting text advises that the Council expect development to avoid harmful effects on the amenity of existing and future occupiers and nearby properties and where this is not possible to ensure appropriate measures to minimise potential negative impacts are taken.

Policy A4 relates to noise and vibration and states that the Council will seek to ensure that these are controlled and managed. Planning permission will not be granted for: a. developments likely to generate unacceptable noise and vibration impacts; or b. development sensitive to noise in locations which experience high levels of noise, unless appropriate attenuation measures can be provided and will not harm the continued operation of

existing uses. Permission will only be granted for noise generating development if it can be operated without causing harm to amenity.

Securing high quality design is the focus of **Policy D1**. Of particular importance to this application are the requirement for development which respects local context and character; preserves or enhances the historic environment; integrates well with the surrounding streets and carefully integrates building services equipment. With regard to plant and machinery, paragraph 7.34 states “*Building services equipment, such as air cooling, heating, ventilation and extraction systems, lift and mechanical equipment, as well as fire escapes, ancillary plant and ducting should be contained within the envelope of a building or be located in a visually inconspicuous position.*”

Policy D2 deals with Heritage assets and conservation areas. With regard to applications within conservation areas, the Council require that developments preserve or, where possible, enhance the character and appearance of the area.

Primrose Hill Conservation Area Statement (2000)

The site lies within Sub-Area 2 of the Conservation Area which is identified as an area of urban character with a high density of development with sporadic areas of greenery, dominated by long terraces.

Chalcot Road, Gloucester Avenue and Fitzroy Road are specified as a ‘principal road’ which are identified as having a generous width and wide pavements. Of particular relevance to this application is the views these wide roads give. The statement says “*The width of the principal roads and the numerous intersections allow long views of buildings within these streets and adjoining streets. Large groups of terrace properties are visible from most vantage points and features such as roof extensions (where they exist) are frequently prominent. This can sometimes create a canyon-like character, particularly when the road is wide enough for large groups of buildings to be visible on either side.*”. Edis and Egbert Street are considered to have a distinctly urban character with views terminated by industrial and residential buildings.

Block infills are addressed within the statement which acknowledges the variety of uses and styles of such properties in the area.

Notably in relation to this application, the Conservation Area Statement (p18) identifies the subject building as a ‘negative building’ due to “*inappropriate qualities such as bulk, scale, height, materials, the way in which they address the street or application of architectural details*”.

Conclusion

This application is the resubmission of an earlier application which has been withdrawn, following concerns raised locally, and amended to address and overcome these issues.

The installation of this new heating and cooling plant enables the continued occupation and use of the building as a modern office campus for which use it is safeguarded in the Local Plan and, in terms of para 196 of the NPPF, is therefore considered to be securing the “optimum viable use” of the building.

The proposed enclosures would not stand proud on the roof but would be contained within the existing building outline with the existing extension rising significantly taller than the enclosures to its south and east. This means the enclosures would be entirely invisible from the south and east and seen against the backdrop, and in the context of, the existing building from the north and west. In addition, the mitigation measures proposed would further reduce and mitigate any impact on the character and appearance of the conservation area not only by helping to obscure the proposed enclosure but also by delivering enhancements which would improve the appearance of the existing extension (namely through the removal of window bars, rendering and painting parts of the rear elevation).

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Any view of the installation from the public realm (i.e. from Fitzroy Road) would be very limited and the installation would be set against the background of the existing building in any event so would not appear in any way strident from this perspective.

Furthermore, the replacement of the old air and heating plant with a new, more efficient system is more environmentally sustainable therefore representing a wider 'public benefit'. The addition of the acoustic enclosures would ensure the noise environment is not harmed for neighbouring residents and is a betterment to the pre-existing system which had no acoustic mitigation measures in place nor any control through planning conditions over the levels of noise generated (which the current proposal can now exercise). On balance, it is therefore considered that any perceived harm to the heritage asset would demonstrably be outweighed both by securing the optimum viable use of the site and the public benefits arising from the renewal of the plant.

The proposal would result in a more efficient and effective integrated system to support the ongoing use of the building as high-quality office space. A number of the existing units to be removed and replaced are positioned close to noise sensitive boundaries such that their removal will benefit their direct neighbours in terms of mitigating the noise impacts. The proposed location for the new units is both inconspicuous and positioned to be located at the furthest possible distance from neighbours. The proposal would also result in a tidying up of the existing disparate and unsightly heating, cooling and ventilation systems which detract from the appearance of the building and, therefore, the appearance of the Conservation Area more generally.

The proposals would enhance the Conservation Area whilst respecting the amenities of neighbouring properties. As such, it is our opinion that the proposal is considered to accord with relevant local and national planning policy and is recommended for approval.

Yours faithfully

Natalie Wilson
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