

Photos

1. Birds eye view:



2. Air con units will be placed in front this chimney



3. View back towards property



4. Side view towards roof



5. View from rear of side and back of property



Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:		11/10/2021			
		NA		Consultation Expiry Date:		11/09/2021			
Officer				Application Number(s)					
Jaspreet Chana				2021/2320/P					
Application Address				Drawing Numbers					
15 - 17 South End Road London NW3 2PT				See draft decision notices					
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature			
Proposal(s)									
Installation of 2 x outdoor air conditioning units on rear roof.									
Recommendation:		Grant conditional planning permission							
Application Type:		Full Planning Permission							
Conditions or Reasons for Refusal:		Refer to Draft Decision Notices							
Informatives:									
Consultations									
Summary of consultation:		Site notices were displayed near to the site on the 18/08/2021 (expiry 11/09/2021) The application was also publicised in the local press from 19/08/2021 (expiry 12/09/2021)							
Adjoining Occupiers:		No. of responses		13		No. of objections		10	
Summary of consultation responses:		<p>Objections have been received from Nos. 1, 1a, 2a, 4, 10, 11, 19, 22, 36, Maryon Mews and the following concerns raised:</p> <ul style="list-style-type: none"> The units would be directly opposite the properties along Maryon Mews and will reduce the light reaching their front windows. There is already an air conditioning unit on the rear of the bakery adjacent to the site that produces excessive noise and despite several objections was allowed. The air con units would be an absolute infringement of our right to enjoy peace and quiet. Noise pollution will emanate from the air con units and project directly into our homes in the Mews. 							

Comments from local groups:

- The noise levels will exceed those allocated in local plan policy A4.
- The applicants design and access statement states that the 'chimney stack at the end of the roof will screen the units which will be placed behind it'. This statement is incorrect if it is meant to imply that the chimney stack would screen the noise generated by the plant.
- Noise pollution causes health problems when noise affects bedrooms.
- Overall, installing the plant would be injurious to occupants of multiple nearby flats and houses.

Officer response: Please see section 4 and 5 below.

Maryon mews Association has objected to the scheme with their comments summarised below:

- The equipment to be installed is contrary to Hampstead Neighbourhood Plan Policy DH1: Design states that development must protect the amenity of neighbouring properties and developments that fail to respect and enhance the character of the area.
- These units will be metres away from the dense residential development of Maryon Mews. The neighbourhood already suffer and attest that units to the rear of No.21 South End Road causes noise, pollution and keeps their neighbour awake during the night time hours, this is evident that these kind of units have a negative impact on local amenity and quality of life.
- We ask Camden to reject the proposal in its entirety.

Officer response: Please see section 4 and 5 below

The Heath & Hampstead Society has objected to the scheme with their comments summarised below:

- We object, on behalf of the people living nearby, to this potentially noisy air conditioning unit proposed on an external roof very near habitable rooms and bedrooms in a high density area where sound would reverberate between close by solid surfaces.
- The applicant provides no analysis of the noise levels that would be experienced by the nearby bedrooms etc. as required by the Local Plan and the Supplementary Planning Guidance, especially in situations like this.
- The applicant should be required to produce an assessment by an independent qualified professional of noise levels related to the existing distances to habitable rooms and hard sound reflective surfaces etc. If necessary, those living nearby should be given the adequate time necessary to refute the applicant's technical analysis.

Officer response: Please see section 4 and 5 below.

Site Description

The application site relates to a pharmacy on the ground floor across two shopfronts as part of a three storey building with residential accommodation on the first and second floors located on the west side of South End Road. The surrounding area is predominantly a mix of commercial on the ground and residential on the upper floors. The site is located within the Hampstead Neighbourhood Area and is identified as making a positive contribution to the Hampstead Conservation Area.

Relevant History

No.13 South End Road:

2019/0199/P - Installation of 2 x extractor flues and 1 x air conditioning (AC) unit to roof of rear extension in connection with existing bakery. [Retrospective] – Granted – 28/02/2022.

No.21 South End Road:

2004/3396/P - Installation of air conditioning unit on roof of single storey rear extension – Granted – 29/10/2004.

Relevant policies

National Planning Policy Framework (2021)

The London Plan (2021)

Camden Local Plan (2017)

- A1 Managing the Impact of Development
- A4 Noise
- D1 Design
- D2 Heritage
- TC4 Town centre uses
- TC2 Camden's centres and other shopping areas
- C2 Community facilities
- CC1 Climate change mitigation
- CC2 Adapting to climate change

Supplementary Guidance - Camden Planning Guidance

- **Amenity** - January 2021
- **Design** - January 2021
- **Energy efficiency and adaptation** – January 2021

Hampstead Conservation Area Statement (2001)

Hampstead Neighbourhood Plan (2018)

Policy DH1: Design

Policy DH2: Conservation areas and listed buildings

Assessment

1. The proposal

1.1. Planning permission is sought for the provision of 2 x outdoor air conditioning units on rear first floor roof to serve the existing commercial unit at ground floor level.

2. Assessment

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

- Design and conservation
- The impact on residential amenity
- Application of the cooling hierarchy

3. Design and Heritage

3.1. The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 are relevant to the application: development should respect local context and character; comprise details and materials that are of high quality and complement the local character; and respond to natural features. Policy D2 'Heritage' states that in order to maintain the character of Camden's conservation areas, the Council will not permit development within conservation areas that fails to preserve or enhance the character and appearance of that conservation area.

3.2. The subject site is a ground floor pharmacy with residential accommodation on the upper first and second floors. The proposal is to install 2 No. external air condenser units on an area of the first floor flat roof at the rear of the site to serve the ground floor pharmacy. The 2 condensers would be positioned lengthways behind the existing large chimney stack, which would make them less visible from direct views from the rear mews properties. Given the modest size, number and positioning on the rear roof it is not considered the AC units would have a detrimental impact on the character and appearance of the subject building or the surrounding conservation area. Furthermore it is noted that similar air con units have been allowed on Nos. 13 and 21 South End Road.

3.3. 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. Residential amenity

4.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of residents. This includes factors such as privacy, outlook, implications to natural light, artificial light spill, as well as impacts caused from the construction phase of development. Policy A4 seeks to ensure that residents are not adversely impacted upon by virtue of noise or vibrations.

4.2. Due to the location and siting of the proposal, the units would not be considered harmful to the amenity of neighboring occupiers in terms of loss of outlook, privacy or daylight.

4.3. A noise impact assessment has been submitted in support of the application that demonstrates that the air conditioning units would comply with Camden's minimum noise standards. The units noise levels have been adequately predicted at the identified receptors taking into consideration distance losses, surface acoustic reflections and, where applicable screening provided by the building. Mitigation will be required to meet the units noise limits. This is expected to take the form

of an acoustic enclosure. It is being proposed that the units will be fitted with suitable vibration isolators, to prevent vibration from entering the structure and re-radiating in the apartments.

4.4. Based on the results of the submitted noise assessment, noise limits for the new conditioning units have been adequately calculated and the councils environmental health officer is satisfied that the submitted acoustic submission meets the councils local plan policies and given appropriate performance of the acoustic enclosure and is therefore acceptable in environmental health terms subject to conditions. These conditions would seek details of the acoustic enclosure and ensure that the unit is installed in conjunction with noise and vibration measures.

4.5. Neighbouring properties of the site have raised noise concerns and worries of the air conditioning units running all evening or all night, in order to control this, officers have considered to add a condition to the planning permission to have the units only on within working hours and turned off at closing time. This would help safeguard the amenities of the neighbouring properties.

4.6. The development is thus considered to be in accordance with planning policies A1 and A4.

5. Cooling hierarchy

5.1. Policy CC2 requires all new developments to adopt appropriate climate change adaptation measures. All new developments will be expected to submit a statement demonstrating how the London Plan's 'cooling hierarchy' has informed the building design. Any development that is likely to be at risk of overheating (for example due to large expanses of south or south west facing glazing) will be required to complete dynamic thermal modelling to demonstrate that any risk of overheating has been mitigated.

5.2. Active cooling (air conditioning) will only be permitted where 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.

5.3. The application building is within Hampstead Conservation Area and therefore the application of the cooling hierarchy is limited by the building's heritage constraints. However, two front awnings are existing which help reduce the amount of heat entering the building in summer and to the rear elevation there are windows and doors which face out onto the courtyard or over the first floor flat roof which provide passive ventilation. The addition of these new air conditioning units are to provide comfort cooling and heating to the ground floor pharmacy which currently only has passive ventilation. Within the applicants cooling hierarchy statement they state that mechanical ventilation would not provide the amount of cooling required. Active cooling is the only method of achieving the environmental conditions required within the pharmacy.

5.4. It is therefore considered that the air conditioning units would be necessary for the use of the pharmacy and there modest number and location would be the most appropriate and least invasive option to the building.

6. Recommendations

6.1. Grant conditional Planning Permission

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members' Briefing panel on Monday 11th April 2022, 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: 2021/2320/P
Contact: Jaspreet Chana
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Date: 7 April 2022

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DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

**15 - 17 South End Road
London
NW3 2PT**

Proposal:

Installation of 2 x outdoor air conditioning units on rear roof.

DECISION

Drawing Nos: Site location plan, 21/952/01, 21/952/02, Design & Access Statement, Fujitsu air conditioning detail, Environment Noise Assessment 104215.ad.Issue1, Energy Efficiency and Adaptation Cooling Hierarchy Statement.

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 The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan, 21/952/01, 21/952/02, Design &

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

- 3 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.

- 4 Prior to operation, further details shall be submitted to and approved in writing by the Council, of the external noise level emitted from the plant equipment including specified mitigation measures as appropriate. The measures shall ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the lowest existing 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. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from mechanical installations/ equipment in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 5 The air conditioning units shall not operate outside of the hours of 9am to 6:30pm Monday - Friday and on Saturday 9am - 6pm.

Reason: To ensure that the amenity of occupiers of the surrounding premises is not adversely affected by noise from mechanical installations/equipment, in accordance with Policy A4 of the Camden Local Plan 2017.

- 6 Before the use commences, the air-conditioning plant shall be provided with acoustic isolation, sound attenuation and anti-vibration measures in accordance with the scheme approved in writing by the local planning authority. All such measures shall thereafter be 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 policy 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 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) 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.

- 3 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.

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 2021.

You can find advice about your rights of appeal at:

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

Yours faithfully

Chief Planning Officer