

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b> 17/03/2022	
		N/A		<b>Consultation Expiry Date:</b> 20/03/2022	
<b>Officer</b>			<b>Application Number(s)</b>		
Ewan Campbell			2022/0216/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
153 King Henry's Road London NW3 3RD			Please refer to draft decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Installation of 2 new outdoor air condenser units within acoustic enclosures, one to the front and one to the rear					
<b>Recommendation(s):</b>		Refuse Planning Permission			
<b>Application Type:</b>		Full Planning Permission			
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice			
<b>Informatives:</b>					
<b>Consultations</b>					
		No. of responses	<b>02</b>	No. of objections	<b>02</b>
<b>Neighbour Consultation</b>		<p>A site notice was displayed on 24/02/2022 and expired on 20/03/2022. A press advert was published on 23/02/2022 and expired on 19/03/2022.</p> <p>Two objections from residents. Concerns include:</p> <ul style="list-style-type: none"> <li>- Lack of justification</li> <li>- Not environmentally friendly</li> <li>- Increased noise for neighbours</li> <li>- Ripple effect of neighbours using them</li> </ul>			
<b>Elsworthy CAAC</b>		<p>Elsworthy CAAC have objected. Concerns include:</p> <ul style="list-style-type: none"> <li>- No justification for air condenser units within residential properties.</li> </ul> <p><i>Officer Comments: The Council note the objection and have discussed this within section 3 of the report.</i></p>			

## Site Description

The site is a four-storey dwellinghouse on King Henry's Road and location within the Elsworthy Conservation Area. The area contains mostly semi-detached properties and is mostly residential. The site is not listed but listed as a positive contributor.

## Relevant History

2020/5199/P - Two new outdoor air condensers to serve the existing residential property; one to the front and one to the rear. Proposed service pipe – Refused (07/12/21) for reason- *The proposal has failed to justify the need for active cooling by reducing and mitigating the impact of dwelling overheating through the application of the cooling hierarchy, thereby failing to minimise carbon dioxide emissions, contrary to Policy CC1 (Climate change mitigation) and CC2 (Climate change adaptation measures) of the Camden Local Plan 2017.*

## National Planning Policy Framework 2021

### The London Plan 2021

### 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 Adaption to Climate Change

### Camden Planning Guidance (CPG)

CPG Design (January 2021)

CPG Amenity (January 2021)

CPG Energy Efficiency and Adaption (January 2021)

Elsworthy Road Conservation Area Appraisal and Management Strategy

## Assessment

### 1. PROPOSAL

- 1.1. Two new outdoor air condensers to serve the existing residential property; one to the front and one to the rear.
- 1.2. This application is a resubmission further to the previous refusal reference 2020/5199/P (see history above) where the submitted Cooling Hierarchy and Thermal Model Report by Melin Consultants has been revised to address the officers' comments.

### 2. CONSIDERATIONS

- 2.1. The material considerations for this application are as follows:
  - Design
  - Amenity
  - Energy and Sustainability

### 3. ASSESSMENT

#### Design

- 3.1.1. Local Plan policies D1 (Design) and D2 (Heritage) are aimed at achieving the highest standard of design in all developments. Policy D1 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
- 3.1.2. As with the previously refused application (2020/5199/P), the proposed air conditioning units are discreetly located at ground level within acoustic enclosures to the rear and front. They are located out of view from the street and from the adjacent neighbours such that the impact of the appearance is limited. The buildings are also significantly set back from the street and so views of the front unit would be further limited. The A/C service pipes are also concealed within the existing downpipes at front and rear so would not be visible.
- 3.1.3. As such, the proposed installation of the A/C units would not have an adverse impact on the character and appearance of the host building and wider conservation area and are considered acceptable in terms of design and heritage.

#### Amenity

- 3.1.4. Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents. This includes privacy, outlook and implications on daylight and sunlight. This is supported by the CPG Amenity.
- 3.1.5. In terms of the proposal, no acoustic report has been submitted in support of the application. The Council's Environmental Health team considers that, although consideration has been made for noise in terms of proposed acoustic enclosures, no information has been provided assessing the potential noise impact from the proposed installation.
- 3.1.6. The applicant needs to provide information assessing the noise impact of the external noise sources on the proposed residential accommodation. The report should include, if appropriate, measures to be taken to mitigate excess noise impact. The report needs to

be prepared by a person with appropriate acoustic qualifications and should be with full regard to all relevant guidance including BS8233:2014 - Guidance on Sound Insulation and Noise Reduction for Buildings and BS4142:2014 Methods for rating and assessing industrial and commercial sound and Camden Council's Local Plan, version June 2017 and BS 4142:2014.

- 3.1.7. Because this has not been undertaken, the Council cannot assess the impact from noise on neighbouring amenity to ensure there is no harmful impact. Therefore the proposal fails to comply with policy A1 of the 2017 Camden Local Plan and the Amenity CPG.

### Energy and Sustainability

- 3.1.8. Because the application is for active cooling, as per policy CC2 and Energy Efficiency and Adaption CPG, schemes are required to demonstrate that other adequate measures have been considered and modelled before active cooling. In accordance with Policy CC2 of the Local Plan, the Council discourages active cooling. Using active cooling systems increases energy consumption and carbon emissions contrary to the aims and objectives of policy CC1. As a result, air-conditioning units are only permitted where thermal modelling demonstrates that there is a clear need for it after all preferred measures are incorporated in line with the London Plan cooling hierarchy. In addition, passive measures should be considered first. If active cooling is unavoidable, applicants need to identify the cooling requirement and provide details of the efficiency of the system.

- 3.1.9. The application is supported by an Active Cooling Hierarchy statement; however it fails to demonstrate both the need for active cooling and the consideration of other measures in relation to the hierarchy itself.

- 3.1.10. Since the previously refused application where the overall lack of justification was considered inadequate, a couple of additional items of information have been submitted to support the application. Additional thermal modelling has been undertaken which demonstrates that, with windows shut and with windows shut and blinds added, the property would fail to pass the standards of CIBSE TM59.

- 3.1.11. However as with the previous application, Section 4 still shows three tables of results outlining different criteria which do not have active cooling and each scenario measured complies with the overheating test (TM59); this is also mentioned in the summary. This itself demonstrates the lack of need for the units. The reason that is put forward to seemingly override the thermal modelling results is that opening the windows would have noise and security risks. There is no demonstration or evidence that these are issues. King's Henry Road is a residential street in which the buildings are significantly set back from the road meaning that any issues of noise and security would be minimised. The claim that the wind might damage blinds can also be discounted as unreasonable given that they claim windows can't be opened (or only in a limited way). The approach taken has just dismissed options that are seemingly viable without any real consideration or investigation.

- 3.1.12. Lastly, whilst there are specific issues with the modelling and justifications, as explained above, the cooling hierarchy principles themselves have not been applied correctly. The modelling provides five scenarios and only one of them test one measure at a time. The modelling should follow the cooling hierarchy and aim to test a multiple at the same time in order to be more effective in reducing the temperature.

- 3.1.13. As with the previous application, section 3.2 of the submitted report states that:

*Based on the location of the dwelling, it is likely that planning permission would be required for any external shading devices. Internal shading, such as blinds, could be used*

*within the space, although these do not limit the heat entering the space as effectively as external shading systems, such as Brise Soleil.*

3.1.14. Firstly, the point regarding planning permission can be discounted as a reason to discount the Brise Soleil; just because it would be subject to planning permission does not mean it should be discounted as an option. Secondly, whilst the Brise Soleil may be more effective than blinds, they would still be a viable option. Other viable options such as ceiling fans could have been measured against and have not been tested. This demonstrates how the cooling hierarchy has not been following incorrectly.

3.1.15. It is considered that, on the basis of all the issues as raised above, the application fails to comply with policies CC1 and CC2 and advice in the Energy Efficiency and Adaption CPG, and thus the same reason for refusal as before applies here.

#### **4. RECOMMENDATION**

4.1. Refuse Planning Permission for the following reasons:

- The proposed development, in the absence of a noise impact assessment report to demonstrate otherwise, would be likely to be detrimental to neighbouring amenity in terms of noise nuisance, contrary to policy A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.
- The proposal has failed to justify the need for active cooling by reducing and mitigating the impact of dwelling overheating through the application of the cooling hierarchy, thereby failing to minimise carbon dioxide emissions, contrary to policies CC1 (Climate change mitigation) and CC2 (Climate change adaptation measures) of the Camden Local Plan 2017.