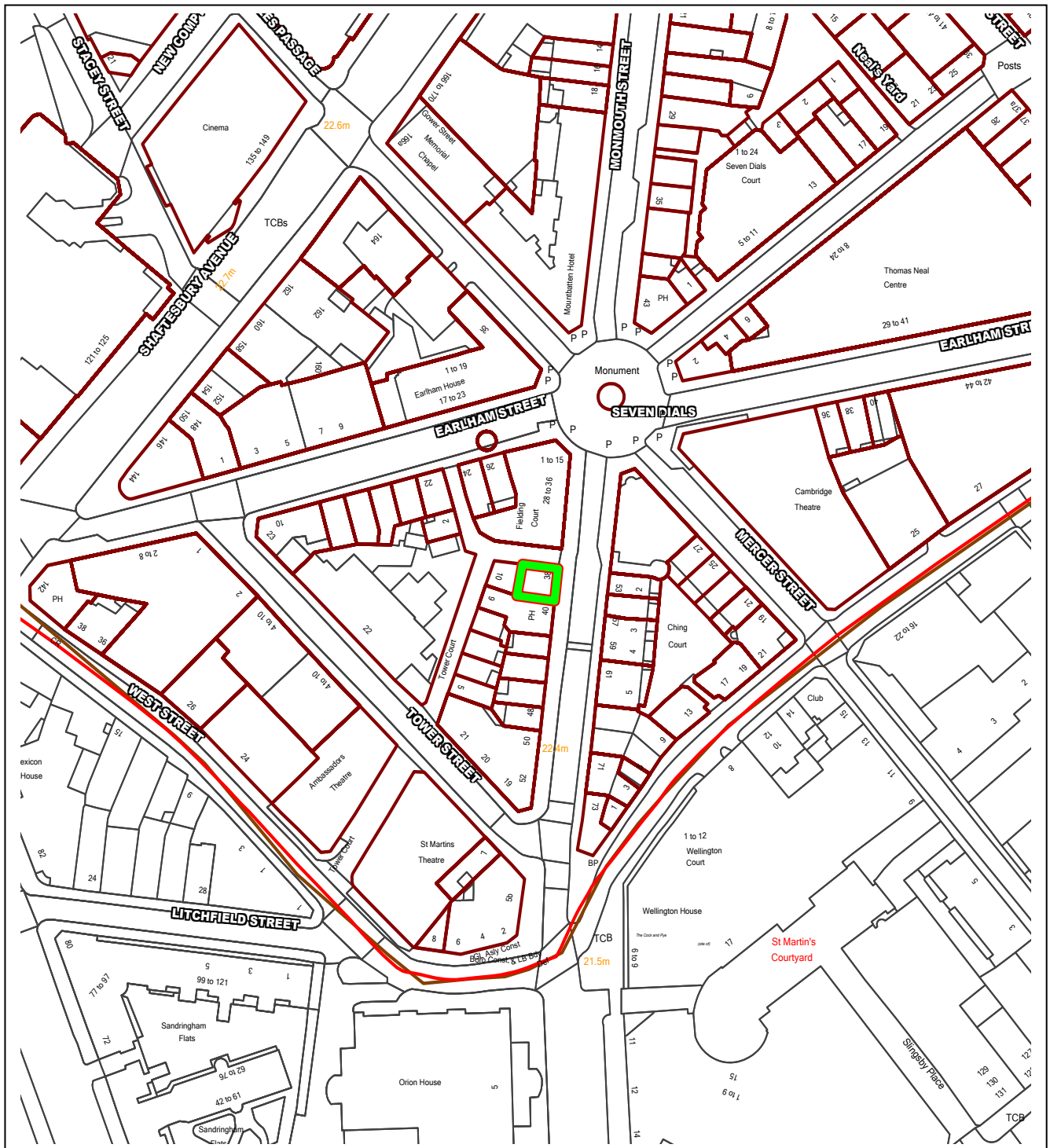


38 Monmouth Street 2022/0022/P



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38 Monmouth Street 2022/0022/P

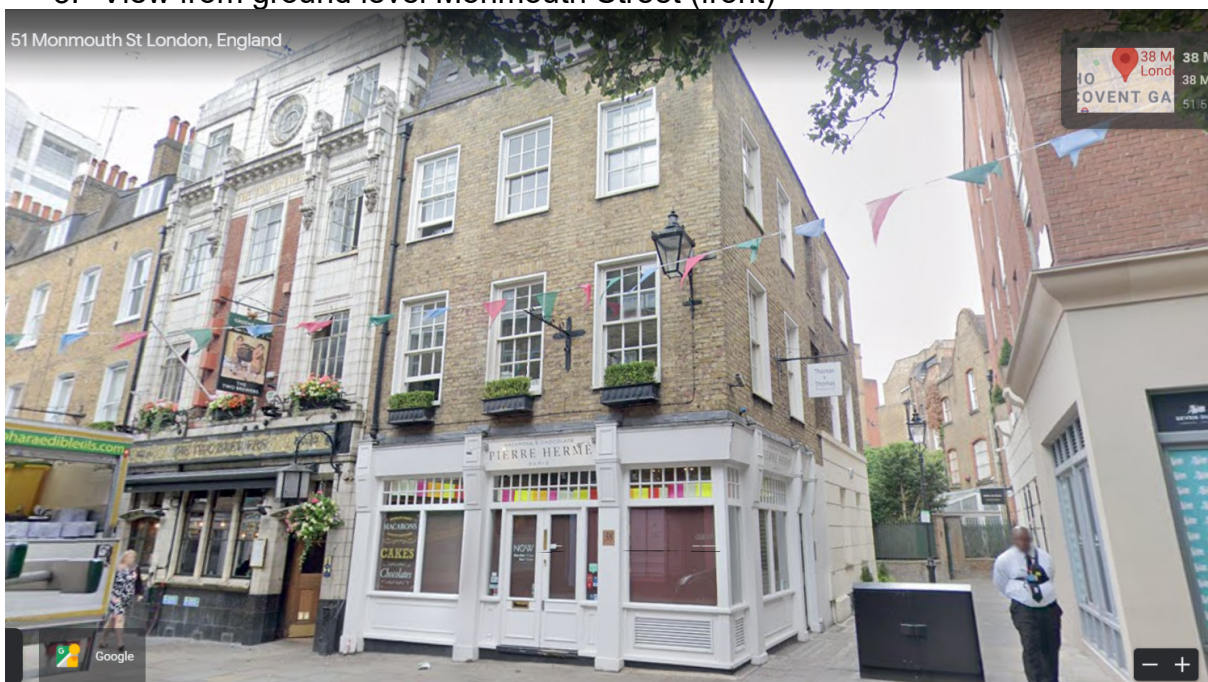
1. Aerial View from north-east



2. Aerial View from North-west



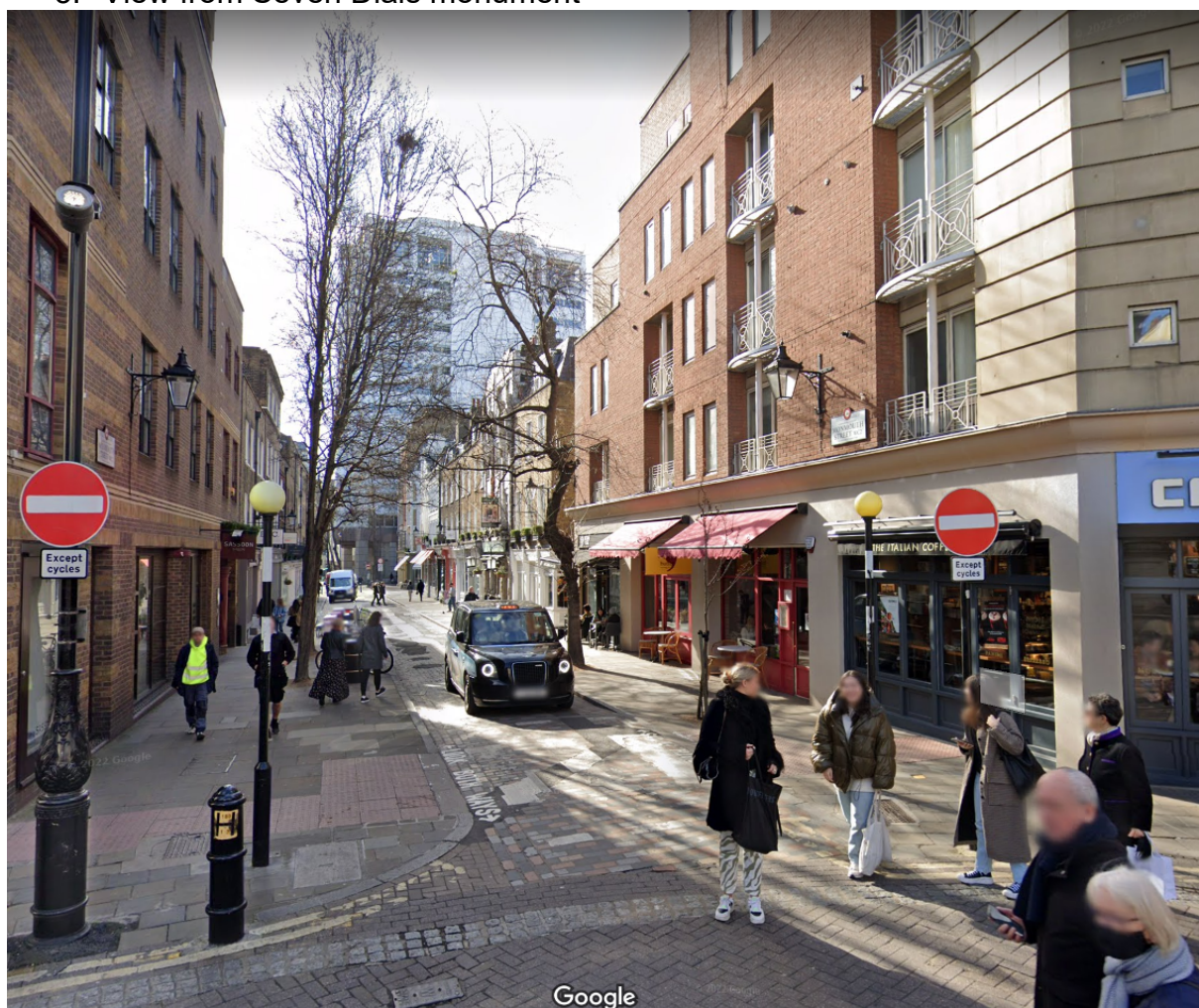
3. View from ground level Monmouth Street (front)



4. View from Tower Court (rear)



5. View from Seven Dials monument



Delegated Report (Members Briefing)		Analysis sheet	Expiry Date:	02/03/2022
		N/A / attached	Consultation Expiry Date:	17/04/2022
Officer			Application Number(s)	
Leela Muthoora			2022/0022/P	
Application Address			Drawing Numbers	
Offices And Premises At 1st-3rd Floor 38 Monmouth Street London WC2H 9EP			See draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Installation of 3x air conditioning condenser units at roof level.				
Recommendation:	Grant conditional planning permission			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Summary of consultation:	A site notice was displayed near to the site on the 18/03/2022 (consultation end date 11/04/2022). The development was also advertised in the local press on the 24/03/2022 (consultation end date 17/04/2022).			
Adjoining Occupiers:	No. of responses	01	No. of objections	01
Summary of consultation responses:	No letters of objection were received from neighbouring owners/occupiers.			
Seven Dials CAAC/Local groups comments:	<p>A letter of objection was received on behalf of the Seven Dials CAAC. Their objection comments were as follows:</p> <p>The Seven Dials CAAC objects to the application at 38 Monmouth Street for the installation of 3x AC units at roof level.</p> <p>As shown in the below screenshot of the roofscape of this area, there is very little rooftop plant besides the existing 1x AC unit on the current site.</p> <p>Page 25 of the Seven Dials Conservation Area Statement states: Where new development is thought to have harmed the character or appearance of the area it has usually been caused by one of more of the following reasons:</p> <p>... f. Introduction of prominent air handling units / ducting</p> <p>It is our view that unless there are mitigating or exceptional circumstances, the introduction of plant in any visible location, regardless of whether it is visible to the public or from private views, is damaging to the built environment through poor design and appearance, and that the spread of plant across rooftops has been a longstanding problem in the CAZ resulting in quite substantial harm to whole conservation areas. The only way to prevent and control the spread of unsightly and prominent plant in a plan-led way is to prevent the installation of plant where it is excessive or not fully justified, as is the case in this application.</p> <p>I would also draw your attention to the Council's policies on climate change, the Council's status as having declared a climate emergency, and the associated desirability of passive cooling measures. It is difficult to understand why, after near on three hundred years of continuous occupation, AC units are now required on sites in this conservation area.</p> <p>Alternatively, plant can be located in discreet and invisible locations, such as in vaults, or purpose-built structures, which also help to mitigate the noise impact that these units have.</p>			

Officer's response:

The applicants have addressed the cooling hierarchy in a statement by QuinnRoss Consultants Ltd. The building fabric, limited floor to ceiling heights, and natural ventilation are insufficient to meet the requirements of modern office activity and equipment.

See section 5.2 of the assessment.

The equipment would be located to the rear of the rooftop and would have limited visibility from the surrounding conservation area. It would not be visible in short or long views at ground level and only visible from the roof terraces of 30-36 Monmouth Street.

See section 3.3 and 4.2-4.5 of the assessment.

The applicant does not have access to the ground floor and basement areas. Installation of ducting to these areas are more likely to have a negative impact on the external appearance of the building than at roof level.

See section 3.3 of the assessment.

Site Description

The application site is a four storey property located at the corner of Monmouth Street and Tower Court close to the junction with the Seven Dials monument. The upper floors are in use as offices accessed from Tower Court and the ground floor in separate commercial (retail) use.

Tower Court to the north of the site comprises of mixed commercial and residential uses, and no. 10 Tower Court is in residential use.

The building is not statutorily listed but it is situated within the Seven Dials (Covent Garden) Conservation Area. The building is characteristic of the local area, which has a mix of uses with continuous building frontages. The site is defined as making a positive contribution to the character by the Seven Dials (Covent Garden) Conservation Area Statement (1998).

Relevant History

The planning history for the application site can be summarised as follows:

2014/6666/P: Planning permission was granted on the 01/12/2014 for the 'Installation of louvre panel in shopfront stallriser (Retrospective)'

PSX0204262: Planning permission was granted on the 13/05/2002 for the 'Installation of new condenser on rooftop level nearest to the Tower Court elevation.'

Relevant policies

National Planning Policy Framework (2021)

The London Plan (2021)

Camden Local Plan (2017)

- **A1** - Managing the impact of development
- **A4** - Noise and vibration
- **D1** - Design
- **D2** - Heritage
- **CC1** - Climate change mitigation
- **CC2** - Adapting to climate change

Camden Planning Guidance:

- Amenity CPG (January 2021)
- Design CPG (January 2021)
- Energy efficiency and adaptation CPG (January 2021)

Conservation Statements: Seven Dials (Covent Garden) Conservation Area Statement (1998)

Assessment

1. The proposal

- 1.1. Planning permission is sought for the installation of three air condenser units to the roof of the building at the rear of the roof. The units would measure approximately 0.27m (w) x 0.23m (d) x 0.79m (h). The units would be positioned next to an existing unit and would be serviced via the existing access hatch.

2. Assessment

- 2.1. The principal considerations material to the determination of this application are as follows:
- The visual impact upon the character and appearance of the host property, streetscene, local area and the Seven Dials Conservation Area (Design and Conservation)
 - The impact caused upon the residential amenities of any neighbouring occupier (Residential Amenity)
 - The impact caused by energy consumption upon carbon dioxide emissions and micro-climate (Energy and sustainability)

3. Design and Conservation

- 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 area that fails to preserve or enhance the character and appearance of that conservation area.
- 3.2. The Seven Dials (Covent Garden) Conservation Area Statement (1998) advises that the Council will be concerned about the siting of the equipment, particularly in visually sensitive locations and in the proximity of residential accommodation, to ensure that local amenity is protected. The introduction of prominent air handling units for plant can cause harm to the character and appearance of the area.
- 3.3. The proposed freestanding air condenser units would be installed at roof level adjacent to the existing unit and would serve the offices based over the three upper floors, providing heating and cooling. They would be set back from the rear of the roof and would be lower than the existing structures on the roof, such as chimneys and parapet walls. The equipment would only be visible from the roof terraces of 30-36 Monmouth Street. This view would be on the opposite side of Tower Court, approximately 7 metres distance, where the condensers would be visible in front of the larger chimney and parapet. They would not be visible from ground level from short views or from longer views along Monmouth Street or from the Seven Dials monument.
- 3.4. It is considered that the proposed air condensing units would not cause a detrimental impact upon the character and appearance of the host property and would preserve the character of the conservation area. 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 to development that would not harm the amenity of residents. This includes factors such as privacy, outlook, natural light, artificial light spill, odour and fumes as well as impacts caused from the construction phase of development. Policy A4 seeks to ensure that residents are

not adversely impacts upon by virtue of noise or vibrations.

- 4.2. The units would be installed at roof level, approximately 3m to the boundary to the west with 10 Tower Court and approximately 1.5m to the boundary to the south with 40 Monmouth Street (The Two Brewers public house). The existing roof structures, parapet walls and chimneys form screening to the rear of the roof to the south and west, closest to the adjacent neighbouring properties. The 4th floor windows of Fielding Court at 30-36 Monmouth Street, are approximately 7m from the closest condenser. The air conditioning units would not result in any overshadowing or loss of outlook or aspect from the windows.
- 4.3. A Noise Impact Assessment has been submitted to evaluate the potential noise impact of the proposed mechanical plant at the closest existing residential receptors. The Assessment provides details of the mitigation measures required to meet the noise criteria, which include a screen and mounting the units on anti-vibration mounts. The report has been reviewed by the Councils' Environmental Health Officer. Appropriate noise guidelines have been followed within the report such as Noise Policy Statement for England, National Planning Policy Framework (NPPF), Planning Practice Guidance on Noise, Camden Council's Local Plan 2017 and using BS 4142:2014 methodology. Based on the results of the submitted noise assessment, the noise limits for the new plant have been adequately calculated.
- 4.4. The Environmental Health Officer has confirmed the units would not have a negative impact on the amenity of residential occupiers in respect of noise, provided that plant is designed as specified in the submitted assessment reports. The worst affected receptors are located to the rear of the site at a distance of approximately 3m at the 4th floor of 10 Tower Court. Operational noise emission limits have been adequately predicted at the identified receptors taking into consideration distance losses, surface acoustic reflections and, where applicable, screening provided by the buildings' parapet wall at roof level.
- 4.5. As additional safeguarding measures, the approval includes two conditions to ensure that these noise standards are met. The conditions will require compliance with the Council's noise limits and require anti-vibration isolators to be installed prior to use. With these conditions in place, it is not considered there would be an adverse impact on the adjacent residential occupiers.
- 4.6. Subject to conditions, the proposed development is not considered to lead to a significant impact upon the amenities of any neighbouring resident. The development is thus considered to be in accordance with planning policies A1 and A4.

5. Energy and Sustainability

- 5.1. In accordance with CC2 (Adapting to climate change) and CPG (Energy Efficiency and Adaptation), the Council discourages active cooling and excessive mechanical plant. In addition to increasing the demand for energy and the potential for carbon emissions, air conditioning and plant equipment expel heat from a building making the local micro-climate hotter.
- 5.2. Where active cooling is unavoidable, applicants need to identify the cooling requirement and provide details of the efficiency of the system. Air conditioning will only be permitted where it is demonstrated that there is a clear need for it after other measures have been considered. The applicant has submitted an assessment of the internal heat losses and gains against the cooling hierarchy. Design led or passive measures as suggested by the cooling hierarchy would not achieve the level of cooling required, and would result in substantial refurbishment interventions to the existing building than is proposed. In this instance, the statement is considered to appropriately justify and demonstrate the need for active cooling in accordance with the relevant Council policies and guidance relating to energy efficiency and adaptation.

6. Recommendation

- 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 12th December 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: 2022/0022/P
Contact: Leela Muthoora
Tel: 020 7974 2506
Email: Leela.Muthoora@camden.gov.uk
Date: 6 December 2022

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

Monmouth Planning Limited
1st-3rd Floor
38 Monmouth Street
London
WC2H 9EP

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Offices And Premises At 1st-3rd Floor
38 Monmouth Street
London
WC2H 9EP

DECISION

Proposal:

Installation of 3x air conditioning condenser units at roof level.

Drawing Nos: Environmental Noise Assessment dated 04/12/2021; P1988 Cooling hierarch letter dated 21/03/2022; A-001-P2; A-100-P2; A-200-P2.

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: Environmental Noise Assessment dated 04/12/2021; P1988 Cooling hierarch letter dated 21/03/2022; A-001-P2; A-100-P2; A-200-P2.

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 The external noise level emitted from plant, machinery or equipment at the development with specified noise mitigation hereby approved shall be lower than the typical 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 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 Prior to use, machinery, plant or equipment at the development 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 ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration 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 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:

<https://www.gov.uk/appeal-planning-decision>.

Yours faithfully

Chief Planning Officer

DECISION