

Application ref: 2022/3199/P
Contact: Charlotte Meynell
Tel: 020 7974 2598
Email: Charlotte.Meynell@camden.gov.uk
Date: 17 March 2023

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/planning

Richard Maltese Architects Ltd
Studio 31
Manor Drive
London
N20 0DZ

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
Flat 29 Gainsborough House
Frognaal Rise
London
NW3 6PZ

Proposal:
Installation of 2 air conditioning units to south-western and north-western roof terraces at 7th floor level and associated acoustic enclosures.

Drawing Nos: 11206/01; 11206/02 Rev. A; 11206/03 Rev. A; 11206/04 Rev. A; 11206/05; 11206/06; 11206/07; Air Conditioning Unit Specification Details; Design, Heritage and Access Statement; Energy and Overheating Assessment - January 2023; Noise Impact Assessment - July 2022.

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: 11206/01; 11206/02 Rev. A; 11206/03 Rev. A; 11206/04 Rev. A; 11206/05; 11206/06; 11206/07; Air Conditioning Unit Specification Details; Design, Heritage and Access Statement; Energy and Overheating Assessment - January 2023; Noise Impact Assessment - July 2022.

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

- 3 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.

- 4 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 Reasons for granting permission:

The proposals involve the installation of two air conditioning units within acoustic enclosures to the south-western and north-western terraces at 7th floor roof level, to serve the existing flat at 6th, 7th and 8th floor levels. The units and enclosures would be located to the rear of the terraces and would be wholly screened by the existing high decorative parapet walls. The new enclosures have been designed with pitched roofs to ensure their height does not exceed the height of the existing parapet walls, and they would not be visible from the ground level. It is therefore considered that the proposals would preserve the character and appearance of the host building and the Hampstead Conservation Area.

An overheating assessment report was submitted demonstrating that comfort cooling is required, and the cooling hierarchy has been applied and measures to reduce heat gains have been undertaken. The proposals have been

assessed by the Council's Sustainability team who deem them to be acceptable.

A noise impact assessment was submitted indicating that, with the provision of mitigation measures of the acoustic enclosures, the noise emitted from the air-conditioning units would be within requirements of policy A4. The proposals have been reviewed by the Council's Environmental Health team who deem them to be acceptable. Conditions are attached to ensure that noise from the plant does not exceed the required levels.

The proposals are not considered to cause any adverse impacts on the amenity of neighbouring occupiers.

No objections were received prior to the determination of this application. The planning history of the site has been taken into account when coming to this decision.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Priory Road conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas Act 1990) as amended by the Enterprise and Regulatory Reform Act 2013.

As such, the proposed development is in general accordance with policies A1, A4, D1, D2 and CC2 of the Camden Local Plan 2017 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2021.

- 2 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).
- 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.
- 4 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.

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>.

If you submit an appeal against this decision you are now eligible to use the new [submission form](#) (Before you start - Appeal a planning decision - GOV.UK).

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is positioned above the printed name and title of the signatory.

Daniel Pope
Chief Planning Officer