

Application ref: 2022/5395/P
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Date: 31 May 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

Capezio
37 Endell Street
Covent Garden
London
WC2H 9EE

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

**37 Endell Street
London
WC2H 9EE**

Proposal:

Installation of a condenser unit and a ventilation unit in rear ground floor lightwell
Drawing Nos: Site Location Plan, CAP-WD-RCPXT, CAP-WD-ELV, CAP-WD-RCP,
CAP-WD-BMT, CAP-WD-GFAC, CAP-WD-LIPR, CAP-WD-PWR/DA, CAP-WD-
EX/EML, CAP-WD-FTR/dda, CAP-MEZ_AC, External Condenser Dims, Sustainability
Report, Plant Noise Impact Assessment Rev A (dated 26/04/2023),

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, CAP-WD-RCPXT, CAP-WD-ELV, CAP-WD-RCP, CAP-WD-BMT, CAP-WD-GFAC, CAP-WD-LIPR, CAP-WD-PWR/DA, CAP-WD-EX/EML, CAP-WD-FTR/dda, CAP-MEZ_AC, External Condenser Dims, Sustainability Report, Plant Noise Impact Assessment Rev A (dated 26/04/2023),

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

- 3 Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 15dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 4 Before the operation of the units, the extract ventilating system and air-conditioning plant shall be provided with acoustic isolation measures, details of which shall have been submitted to and approved by the local planning authority beforehand. Such details shall follow the recommendations of the noise impact assessment report hereby approved. 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 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 safeguard the amenities of the adjoining premises and the area generally 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 proposal involves the installation of an air-conditioning unit and ventilation extraction unit on the side elevation on the ground floor of the existing rear projection. The unit would serve the existing retail space at ground and basement levels.

The unit would be located in the rear of the property which has a 'back of house' character. It would only be visible in private views within the conservation area. The condenser and extraction units would not detract from the appearance of the host property nor the character of the surrounding area, given their scale, nature, design and location.

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 Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

A noise impact assessment has been submitted demonstrating noise and vibration from the proposed plant would meet the Council's requirements. Mitigation measures for the condenser unit by means of an acoustic barrier are recommended. Conditions are attached stating that the noise must not exceed the Council's requirements and details of the required noise mitigation must be provided.

A sustainability report has been submitted demonstrating the need to provide air conditioning for the retail unit. The report states that steps have been undertaken to reduce heat gains through passive measures in line with the cooling hierarchy. However, it is considered that there is a need for active cooling and the proposals are thus considered acceptable.

The proposal is not considered to cause any adverse impacts on the amenity of adjoining residential occupiers.

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

As such, the proposed development is in general accordance with policies A1, A4, D1, D2, CC1 and CC2 of the Camden Local Plan 2017. 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



Daniel Pope
Chief Planning Officer