

Application ref: 2023/1838/P
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Date: 10 November 2023

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
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Phone: 020 7974 4444

planning@camden.gov.uk

www.camden.gov.uk/planning

Daykin Marshall Studio
F19 Parkhall
40 Martell Road
London
SE21 8EN
United Kingdom

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

**25 Pond Street
London
NW3 2PN**

Proposal:

Enlargement of an existing fire escape door, removal of adjacent window on the west side elevation, alterations to upper ground floor windows in the rear elevation, and installation of 4 external air-conditioning units on the roof of the rear single storey structure with associated acoustic enclosure.

Drawing Nos: Statement of Cooling Hierarchy prepared by Daykin Marshall Studio dated 15/09/2023, Noise Impact Assessment, Heritage Statement prepared by Daykin Marshall Studio dated 04/05/2023, 120_302 P1, 120_130 P1, 120_201 P1, 120_301 P1, 120_001 P1, 120_101 P1

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

Statement of Cooling Hierarchy, Noise Impact Assessment, Heritage Statement, 120_302 P1, 120_130 P1, 120_201 P1, 120_301 P1, 120_001 P1, 120_101 P1

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 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.

- 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 Reasons for granting permission.

The proposals involve the installation of four air conditioning units within timber acoustic enclosures to the north of the site at upper ground floor level, which would support the building's use as a gym. The acoustic enclosure would measure approximately 3.3m deep, 2.4m wide, and 2.1m tall and would be installed in the existing unused yard space, which is surrounded by high level

walls on all sides. As such, there is very limited visibility from the public realm and the scale of the development is modest. It is therefore considered that the proposals would preserve the character and appearance of the host building and the Hampstead Conservation Area. Although in relatively close proximity, the proposed equipment would not cause harm to the setting of adjacent listed buildings as they would mostly be screened by high level walls and planting. The removal of the window is not considered to harm the character of the building or of the wider area.

The proposal includes increasing in height of the rear escape door, alterations to window openings and removal of the window on the upper ground floor rear elevation of the building. The side and rear elevations of the building are much plainer than the front façade, being constructed from red bricks, possibly Flettons. The new door is appropriate in size and does not impinge of any feature of note on the building.

Four air conditioning units and associated timber enclosure are proposed, at the rear. Again it would be located on the plain rear elevation of the building and would be small in scale. It would be largely screened in views from surrounding properties by the boundary wall and planting. The proposal would not have a detrimental impact on the significance of the locally listed building, the character or appearance of the conservation area or the setting of the adjoining listed building.

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

The application also included a cooling hierarchy statement that outlined how the use as a gym requires cooling. This statement confirms the applicant has tried to use passive ventilation, such as opening windows and using low energy low temperature fittings, showing that natural ventilation would not be sufficient in the context of the site to keep the rooms cool, specifically referring to the site limitations in building layout and design that would make other forms of passive ventilation inadequate. It is accepted that the overheating risk would not be mitigated by preferred measures lower down the cooling hierarchy. Active cooling is therefore accepted in this instance in line with policy CC2.

The closest residential properties would be located 10m from the rear of the site. Due to the siting of the proposed air conditioning units at the rear of the property in the upper yard area together with the provision of noise mitigation measures in the form of acoustic enclosure, the proposals are not considered to cause any adverse impacts on the amenity of neighbouring occupiers in terms of daylight, privacy, outlook or noise. The fenestration alterations are minor in nature and would not cause any harm to the amenity of the neighbouring occupiers.

2 2 objections were received prior to the determination of this application which

have been addressed in a separate consultation summary. The Hampstead Neighbourhood Forum has confirmed that they have no comments. 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 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 2023.

- 3 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).
- 4 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>.

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 in the upper left corner of the page.

Daniel Pope
Chief Planning Officer