

Application ref: 2023/1381/P
Contact: Sam Fitzpatrick
Tel: 020 7974 1343
Email: sam.fitzpatrick@camden.gov.uk
Date: 8 April 2024

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

Buchan Rum Architects Ltd
9 Savill Road
Lindfield
Lindfield
West Sussex
RH16 2NY
United Kingdom

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
167a Finchley Road
London
NW3 6LB

Proposal:
Installation of air conditioning units to rear of the building.
Drawing Nos:
PL_00_100; PL_00_103 Rev 13; PL_00_105; PL_00_505 Rev 01; PL_00_507 Rev 00;
Plant Noise Assessment (prepared by Zona Acoustics, dated 13/09/2023).

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:

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 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 and surrounding premises is not adversely affected by noise from mechanical installations and 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 proposal is for the installation of two air-conditioning units to the rear of the building, located at basement level. The plant would be intended to serve the commercial unit located at ground and basement level, which is in use as a private healthcare clinic. The application did originally include a roller shutter, however this was removed from the proposal following officer comments. The advertisements to the front of the building have also already been granted advertisement consent under reference 2023/2101/A, dated 11/01/2024.

The new air conditioning units are proposed to be installed at basement level to the rear of the site, within the external courtyard and near the access road

running along the rear of Fairfax Mansions. The rear courtyard area is sunken and thus has limited public visibility, so is capable of accommodating modest levels of services and plant without harm; as such, the presence of the air conditioning units would not have a harmful impact. Due to nearby boundary walls and the low siting of the unit, there would be very limited public visibility of the plant equipment. It is therefore considered that the proposal would not cause harm to the character and appearance of the host property or wider area.

Given that the application relates to a healthcare clinic, it is accepted that the use requires cooling due to the medical nature, particularly in diagnostic and consulting rooms. Much of the unit is also located at the basement level, where the only windows are non-openable lightwells to the front of the site and small windows to the rear. As such, other forms of ventilation would not be appropriate and the use of active cooling in this situation is considered to be justified and acceptable.

The proposed units would be located at the rear of the site within the sunken courtyard, with the closest windows to habitable rooms being on the floors above, as the basement and ground level accommodates rooms associated with the healthcare clinic use, as demonstrated by the floor plans. In neighbouring properties, the basement level at the rear provides access and storage space for the residential dwellings on the floors above. A noise impact assessment was submitted with the application, which demonstrates that the noise emitted from the units would not have an adverse impact on the nearest residential receivers. The noise impact assessment has been reviewed by the Council's Environmental Health Officer, who has deemed the proposal to be acceptable in environmental health terms, provided conditions are attached to any decision to approve that would ensure the noise does not exceed the minimum noise standards and that anti-vibration isolators would be installed and maintained.

One comment was received from the Combined Residents' Association of South Hampstead (CRASH) concerning the application, which noted that the roller shutter would be an unwelcome addition. CRASH stated that, were the shutter to be external, they would object to the application. However, the shutter has since been removed from this proposal, so this matter of concern is no longer an issue. No other objections were 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, and D1 of the London Borough of Camden Local Plan 2017. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2023.

- 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