

Application ref: 2021/0321/P
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Date: 17 July 2024

Development Management
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MWA
Ground Floor
Kingfisher House
45 Market Place
Henley-on-Thames
RG9 2AA

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
27 Fitzroy Square
London
W1T 6ES

Proposal:

Relocation of two existing condensers and installation of two condensers within acoustic enclosure to roof of ground floor extension (retrospective).

Drawing Nos: 263-001 (PBS) GA-01 Issued 15/07/24; 263-001 (PGF) GA-01 Issued 15/07/24; 263-001 (PIF) GA-01 Issued 15/07/24; 263-001 (P2F) GA-01 Issued 15/07/24; 263-001 (P3F) GA-01 Issued 15/07/24; 263-001(P1F)ELE-01A; 263-001(E1F)ELE-01A; Principle of acoustic enclosure arrangement for condensers prepared by Equus dated 27/11/20; Site location plan; Block plan; Environmental Noise Assessments of Proposed Mechanical Plant prepared by Equus dated December 2020; Letter prepared by J Butterworth Planning dated 18th January 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 shall be carried out in accordance with the following approved plans:

263-001 (PBS) GA-01 Issued 15/07/24; 263-001 (PGF) GA-01 Issued 15/07/24; 263-001 (PIF) GA-01 Issued 15/07/24; 263-001 (P2F) GA-01 Issued 15/07/24; 263-001 (P3F) GA-01 Issued 15/07/24; 263-001(P1F)ELE-01A; 263-

001(E1F)ELE-01A; Principle of acoustic enclosure arrangement for condensers prepared by Equus dated 27/11/20; Site location plan; Block plan; Environmental Noise Assessments of Proposed Mechanical Plant prepared by Equus dated December 2020; Letter prepared by J Butterworth Planning dated 18th January 2022

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

- 2 The external noise level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the typical existing background noise level by at least 10dBA, or 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.

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.

- 3 The air conditioning plant shall be provided with acoustic mitigation including acoustic enclosure and time switch in accordance with the 'Environmental Noise Assessments of Proposed Mechanical Plant prepared by Equus dated December 2020' 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.

- 4 The plant hereby approved 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.

- 5 The air-conditioning units hereby approved shall not operate between 19:00 and 08:00 hours.

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

Informative(s):

- 1 Reason for granting permission

The proposed location and size of the air conditioning acoustic enclosure matches that recently approved at the adjoining property, 28 Fitzroy Square (2020/1045/P) which also provides space for four condensers. Alternative

measures from the cooling hierarchy have been considered and discounted as they would not be feasible in the context of this Grade II* listed building.

An environmental noise assessment has been provided and this has been reviewed by Environmental Health. Noise from the proposed plant would not have an adverse impact on the nearest sensitive receivers provided that an acoustic enclosure and attenuators are provided. The report also specifies proprietary vibration isolation equipment. The recommendations of the noise report would be secured by condition. A condition would also be required to ensure noise from the plant did not breach the Council's noise thresholds.

The planning and appeal history of the site has been taken into account when coming to this decision. One objection was received prior to making this decision. The objector requested a time switch controller. This is one of the recommendations of the acoustic report and a further condition would restrict the plant operating hours to prevent operation overnight.

Special regard has been attached to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses under s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

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 D1, D2, A4 and A1 of the Camden Local Plan 2017. The development also accords with the NPPF and the London Plan 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).

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 2023.

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 written over a light grey rectangular background.

Daniel Pope
Chief Planning Officer