

Application ref: 2024/0939/P
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Date: 31 October 2024

Development Management
Regeneration and Planning
London Borough of Camden
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PAD Architectural Consultants
St. Marks Road
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EN1 1BJ

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

**1A Birkenhead Street
London
Camden
WC1H 8BA**

Proposal:

Installation of 3x ASHP on the existing flat roof, and 1x air conditioning unit at ground floor level.

Drawing Nos: Site Location Plan 16/12/2019; Overheating Modelling Report, Revision P02; Noise Impact Assessment, 27th August 2024, Issue 01; Existing Structural Plans, MARCH2020_97AR_01; Proposed Structural Plans, MARCH2020_97AR_01; SEP2020_AC01_01; Air Conditioning, Product Information, Y Series Standard ; Air Conditioning, Product Information, Y Series VRF; Heating, Product Information; PAD Letter.

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 16/12/2019; Overheating Modelling Report, Revision P02; Noise Impact Assessment, 27th August 2024, Issue 01; Existing Structural Plans, MARCH2020_97AR_01; Proposed Structural Plans, MARCH2020_97AR_01; SEP2020_AC01_01; Air Conditioning, Product Information, Y Series Standard ; Air Conditioning, Product Information, Y Series VRF; Heating, Product Information; PAD Letter.

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 policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 Prior to first use of the air source heat pump hereby approved, the active cooling function shall be disabled on the factory setting and the air source heat pump shall be used for the purposes of heating only.

Reason: To ensure the proposal is energy efficient and sustainable in accordance with policy CC1 and CC2 of the London Borough of Camden Local Plan 2017.

- 5 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 machinery operating 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

- 6 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

- 7 Internal blinds shall be fitted to all south and south-west facing windows at first floor level prior to the installation of the air-conditioning unit.

Reason: To ensure that all development reduces the impact of urban and dwelling overheating and applies the cooling hierarchy in accordance with policy CC2 of the London Borough of Camden Local Plan

Informative(s):

1 Reasons for granting permission.

The application site comprises a two storied office building. The site is within the Kings Cross St Pancras Conservation Area. No listed buildings are affected, however the site adjoins Grade II listed buildings to the southeast and southwest.

The applicant is seeking permission for the installation of 3x ASHP on the existing flat roof, and 1x air conditioning unit at ground floor level.

The air conditioning unit has dimensions of 1.8m (height), 1.2m (length) and 0.74m (depth). The air conditioning unit would be located at ground floor level, and would not be visible from any public views. Its sitting is considered acceptable.

The ASHP would each have dimensions of 1.35m (height), 1m (length) and 0.38m (depth), and located at roof level, supported by framing. The ASHP would be partially screened by the boundary wall present in this area, and sufficient separation distance is provided between the proposed ASHP and rear windows of adjoining residential properties to ensure that character and appearance of the conservation area or nearby listed buildings would not be unduly impacted by the proposal.

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.

Given the nature of the proposal, it is not considered to cause any adverse impacts on the amenity of adjoining residential occupiers in terms of loss of daylight, sunlight or outlook. With respect to noise, a noise impact assessment was submitted which has been reviewed by Council's Environmental Health (Pollution) officer who is satisfied that the acoustic submission meets Local Plan guidelines and is therefore acceptable in environmental health terms. Conditions around noise limited and anti-vibration isolators have been attached.

An overheating modelling report has been provided which has been reviewed by Council's Sustainability Officer. The applicant has updated the report following officer comment to include additional information on dynamic thermal modelling with local shading devices (internal blinds). The results of this modelling show an improvement to the modelling undertaken without using internal blinds, however all rooms apart from two still fail on thermal comfort criteria.

The use of active cooling is considered acceptable in this instance (for the air-conditioning unit only). A condition has been attached requiring internal blinds to be installed on south and south-west facing windows at first floor level to ensure the cooling demand has been reduced as much as possible.

The applicant has confirmed that the 3x ASHP would be used for heating, but not cooling. A condition requiring this has been attached.

Based on the above, the proposal is considered to be in general accordance with policies CC1 and CC2 of the Camden Local Plan 2017.

No 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 D1, D2, CC1, CC2 of the 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.

- 5 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 ("1990 Act") is that planning permission granted in England is subject to the condition ("the biodiversity gain condition") that development may not begin unless:
- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.

The local planning authority (LPA) that would approve any Biodiversity Gain Plan (BGP) (if required) is London Borough of Camden.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are summarised below, but you should check the legislation yourself and ensure you meet the statutory requirements.

Based on the information provided, this will not require the approval of a BGP before development is begun because it is below the de minimis threshold (because it does not impact an onsite priority habitat AND impacts less than 25 square metres of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat).

++ Summary of transitional arrangements and exemptions for biodiversity gain condition

The following are provided for information and may not apply to this permission:

1. The planning application was made before 12 February 2024.
2. The planning permission is retrospective.
3. The planning permission was granted under section 73 of the Town and Country Planning Act 1990 and the original (parent) planning permission was made or granted before 12 February 2024.
4. The permission is exempt because of one or more of the reasons below:
 - It is not "major development" and the application was made or granted before 2 April 2024, or planning permission is granted under section 73 and the original (parent) permission was made or granted before 2 April 2024.
 - It is below the de minimis threshold (because it does not impact an onsite priority habitat AND impacts less than 25 square metres of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat).
 - The application is a Householder Application.
 - It is for development of a "Biodiversity Gain Site".
 - It is Self and Custom Build Development (for no more than 9 dwellings on a site no larger than 0.5 hectares and consists exclusively of dwellings which are Self-Build or Custom Housebuilding).
 - It forms part of, or is ancillary to, the high-speed railway transport network (High Speed 2).

6 + Irreplaceable habitat:

If the onsite habitat includes Irreplaceable Habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements. In addition to information about minimising adverse impacts on the habitat, the BGP must include information on

compensation for any impact on the biodiversity of the irreplaceable habitat. The LPA can only approve a BGP if satisfied that the impact on the irreplaceable habitat is minimised and appropriate arrangements have been made for compensating for any impact which do not include the use of biodiversity credits.

++ The effect of section 73(2D) of the Town and Country Planning Act 1990
If planning permission is granted under section 73, and a BGP was approved in relation to the previous planning permission (“the earlier BGP”), the earlier BGP may be regarded as approved for the purpose of discharging the biodiversity gain condition on this permission. It will be regarded as approved if the conditions attached (and so the permission granted) do not affect both the post-development value of the onsite habitat and any arrangements made to compensate irreplaceable habitat as specified in the earlier BGP.

++ Phased development

In the case of phased development, the BGP will be required to be submitted to and approved by the LPA before development can begin (the overall plan), and before each phase of development can begin (phase plans). The modifications in respect of the biodiversity gain condition in phased development are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with the National Planning Policy Framework. The council publishes its adopted policies online, along with detailed Camden Planning Guidance. It also provides advice on the website for submitting applications and offers a pre-application advice service.

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