

Application ref: 2024/2350/P
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Development Management
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Missenden
Back Lane
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SY4 3PH

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Waterlow Park Centre
Dartmouth Park Hill
London
N19 5JF

Proposal:

Installation of air source heat pumps and air conditioning unit.

Drawing Nos:

Design & Access Statement, AF Acoustics Noise Assessment ref: 302/ AF-00001-01 dated 30 August 2024; VRV Selection Report-QT07.2202 - Waterlow Park- dated 09/05/2023; En-Plan Drawing Sheets 1 to 5 including Figures 1 to 10

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:

Design & Access Statement, AF Acoustics Noise Assessment ref: 302/ AF-00001-01 dated 30 August 2024; VRV Selection Report-QT07.2202 - Waterlow Park- dated 09/05/2023; En-Plan Drawing Sheets 1 to 5 including Figures 1 to 10.

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 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

- 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.

- 6 Prior to first use of the air source heat pump and conditioning unit 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 CC2 of the London Borough of Camden Local Plan 2017.

Informative(s):

1 Reasons for granting permission.

The proposal seeks to make improvements to the centre by replacing the heating system with air source heat pumps (ASHP) to reduce energy consumption and carbon emissions. The proposals are considered acceptable as they respect and integrate well with the host building and surrounding area. The siting of the equipment is considered appropriate as it would be located to the rear of the site which has reduced visibility due to the differing ground levels which are higher to the north. A retaining wall sets the building within the hillside at a lower level which visually separates it from the surrounding park and dense planting further conceals the rear of building from views. Due to the unique topography, the siting and scale of the proposed equipment would not be considered harmful to the appearance of the building or the setting of the park landscape.

Waterlow Park is listed as Grade II* on The Register of Parks and Gardens and Lauderdale House is a Grade II* listed building located approximately 90 metres to the north. Due to its siting, scale, and limited visibility from the park more widely, the proposals would not cause harm to the landscape of the park. As a result, the proposal would preserve the character and appearance of the Highgate Village Conservation Area and the special interest of the nearby listed building. The council has had special regard to the desirability of preserving the character and appearance of the Conservation Area, and the listed building, its setting, and its special interest.

The nearest residential properties that would be affected by the proposal lie east at a separation distance of approximately 100 metres. Given the orientation and distance between the site and the nearest neighbouring properties, the proposals would not result in any harm neighbouring residential amenity in terms of loss of privacy, daylight, or outlook.

In terms of impact of noise and vibration from the ASHP on neighbouring amenity, a Noise Assessment has been submitted and reviewed by the Council's Environmental Health team, who are satisfied that the appropriate noise guidelines have been followed, and the noise criteria have been adequately predicted. The proposed installation, when appropriately attenuated with the recommended enclosure, would comply with the Council's noise level standards. Subject to the compliance conditions included in this decision, the enclosure would provide sufficient acoustic screening and would not result in harmful noise or vibration to the nearest residential windows.

Based on the information available this permission will not require the approval of a Biodiversity Gain Plan before development is begun because it is below the de minimis threshold, meaning it does not impact an onsite priority habitat and impacts less than 25sqm of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of linear habitat.

Policies CC1 and CC2 seek that development should mitigate against increased carbon emissions. Overall, the proposals are welcomed as they would include measures which would improve the efficiency of the building.

No objections were received prior to making this decision which the council considered. The council also considered the area's planning history and relevant appeal decisions when coming to this decision.

- 2 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

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

As such, the proposal is in general accordance with policies A1, A3, A4, C2, CC1, CC2, D1 and D2 of the Camden Local Plan 2017 and policies DH1 to DH11 of the Highgate Neighbourhood Plan 2017. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2024.

- 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 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 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.

6 Biodiversity Net Gain (BNG) Informative (1/2):

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.

++ 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).

7 Biodiversity Net Gain (BNG) Informative (2/2):

+ 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.

- 8 The ASHP equipment, supporting structures and enclosure hereby permitted shall be removed as soon as reasonably practicable when no longer required.

Reason: The permanent retention of the redundant equipment and structures would be contrary to the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

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