

Ryan Botton  
Julian Church & Associates Ltd  
Flat C  
12 Bath Place  
Worthing  
BN11 3BA

Application Ref: **2014/7869/P**  
Please ask for: **Matthias Gentet**  
Telephone: 020 7974 **5961**

9 June 2015

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted**

Address:  
**35 Heath Street**  
**London**  
**NW3 6TR**

Proposal:  
Installation of a heat pump condensing unit to the ground floor rear elevation of the existing shop unit (Class A1).

Drawing Nos: Noise Report; 2 x Photo; Design and Access Statement; Manufacturing Fact Sheet; Site Location Plan; J130801-01B RevB; 1310-01 RevA

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 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 CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 if in CA of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: Noise Report; 2 x Photo; Design and Access Statement; Manufacturing Fact Sheet; Site Location Plan; J130801-01A RevA; 1310-01 RevA

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

- 4 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 5 The use hereby permitted shall not be carried out outside the following times: 10am till 6.30pm on Mondays to Fridays, 10am till 6pm on Saturdays and 12pm till 6pm on Sundays and Bank Holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

#### Informative(s):

- 1 Reasons for granting permission.

The proposed heat pump condensing unit and protective cage are considered appropriate in terms of design, scale, location and noise level. The proposal being sited just above the rear entrance door will not be in full public view and will be

enclosed. The very narrow alleyway to the rear of the site address is merely used by the few occupiers of some 4 properties and thus have very limited amount of pedestrian traffic. As such, the proposal will preserve the character and appearance of the host and adjacent properties and the conservation area.

The site's planning and appeal history has been taken into account when coming to this decision. A comment from an adjoining resident has been received following the statutory consultations raising concerns about the siting, the noise level and the appearance of the heat pump. The noise report submitted by the applicant has been assessed by the Council's pollution team and demonstrates the equipment can operate at an acceptable level. Also, it has been confirmed by the applicant that the heat pump will only be in use during the opening hours of the business and thus switch off at night time.

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 Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposed development is in general accordance with policies CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP24, DP25 and DP28 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with policies 7.4, 7.6, 7.8 and 7.15 of the London Plan 2015 consolidated with alterations since 2011; and paragraphs 14, 17, 56 -66, 126 -141 of the National Planning Policy Framework.

- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which 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, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 3 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 are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ed Watson', with a stylized flourish at the end.

Ed Watson  
Director of Culture & Environment