

Mr Stephen Twine
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Unit P05, The Old Power Station
Mortlake High Street
London SW14 8SN

Application Ref: **2016/5572/P**
Please ask for: **Hugh Miller**
Telephone: 020 7974 **2624**

17 February 2017

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted

Address:

Beechwood
43 Hampstead Lane
London
N6 4RT

Proposal:

Variation of condition 2 (noise emission limits) of planning permission 2012/2209/P, dated 02/07/2012, (for installation of an emergency standby generator and associated fuel tank for dwelling house), to allow rewording of the specified noise limits

Drawing Nos: Memorandum on Planning Condition 2 ref 16/0216/M1 dated 22 April 2016 by Cole Jarman; Plant Noise Assessment ref 11/1450/R1 dated 12/05/2011 by Cole Jarman

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 Condition no.2 of planning permission ref 2012/2209/P shall be replaced with the following condition:

REPLACEMENT CONDITION 2



Noise levels from the emergency generator hereby approved shall not increase the minimum assessed background noise level (expressed as the lowest 24 hours LA90) by more than 10dB(A) as measured 1 metre external to any sensitive façade. The emergency generator shall be operated only for essential testing, except when required by an emergency loss of power. Testing of the emergency generator may be carried out no more than for one hour in any calendar month and only between the times of 09.00 to 17.00 hrs Mondays to Fridays and not at all on weekends and bank holidays.

Reason: To safeguard the amenities of the adjoining premises 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.

Informative(s):

1 Reasons for granting permission:

The planning permission ref 2012/2209/P dated 02/07/2012, for installation of an emergency standby generator, included a condition no.2 specifying maximum noise levels associated with the emergency standby generator. The applicant is now seeking to vary this condition, as it has been noted that there is an error in its wording due to a misunderstanding of the standards appropriate for such emergency generators. The wording of condition 2 currently states that 'Noise levels from the emergency generator hereby approved shall be at least 10dB(A) below the minimum assessed background noise level (expressed as the lowest 24 hours LA90), as measured at a point 1 metre external to any sensitive façade.'

It is acknowledged that Camden has no policy that specifically addresses emergency plant or generators and that a standard condition on noise levels, that is generally used to control air-conditioning plant, would be inappropriate in this case and unduly onerous because these levels cannot be achieved by an emergency generator. It is also noted that the decision has an additional condition no.4 requiring a follow-up noise survey to clarify the actual noise level of the installed emergency generator.

Consequently it is proposed that the condition be reworded to refer to the following noise limits, based on a form of wording used by a neighbouring local authority in respect of emergency generators: 'Noise emitted from the emergency generator hereby approved shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90) by more than 10 dB as measured 1 metre outside any premises'.

The condition should also include the following restrictions- 'The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power. Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday

and not at all on public holidays.'

The Council's Environmental Health officers agree that emergency plant and generators would have a higher noise level when compared with conventional roof plant and that a condition requiring noise limits to be 10dBA below background levels is considered inappropriately onerous. Instead they agree that the alternative wording requiring noise limits to be a maximum of 10dBA above background levels is more appropriate in this instance. This approach addresses the fact that the generators will only ever be used occasionally due to the onset of a mains failure and will be operated on a very limited basis during daytime hours for testing. The revised wording of this condition is therefore considered acceptable in the circumstances.

No objections have been 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 details are in general accordance with policy CS5 of the London Borough of Camden Local Development Framework Core Strategy, policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies, and policies A1 and A4 of the Camden Local Plan Submission Draft 2016. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework.

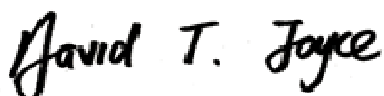
- 2 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions (and obligations where applicable) as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).
- 3 You are reminded that condition 4 of planning permission ref 2012/2209/P dated 02/07/2012 is outstanding and requires details to be submitted and approved.

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



David Joyce
Executive Director Supporting Communities