

Application ref: 2018/2240/P  
Contact: Laura Hazelton  
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Date: 12 June 2018

**Development Management**  
Regeneration and Planning  
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Mr J Davies  
5 Pancras Square  
London  
N1C 4AG

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Councils Own Permission Under Regulation 3 Granted**

Address:

**Phoenix Court**  
**Purchase Street**  
**London**  
**NW1 1EL**

Proposal:

Variation of condition 5 (approved drawings) of planning permission granted on 25/04/2013 under reference 2013/0884/P for the 'Installation of flue from basement to the roof level at the east elevation, installation of gas fired boilers and 1 CHP engine to the basement level associated change of use from office (Class B1) to plant (Sui Generis)'; namely, to install heat rejection equipment at roof level, required for the operation of the basement CHP engine.

Drawing Nos: Superseded Drawing: P02

Amended drawings: 50377-VE-B1-ZZ-GA-M-5606 rev. PA1, 50377-VE-B1-ZZ-GA-M-5605 rev PA1, 50377-VE-B1-ZZ-GA-M-5603 rev PA1.

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 the original permission, granted on 25/04/2013 under reference 2013/0884/P.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 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 A1 of the London Borough of Camden Local Plan 2017.

- 3 Plant or equipment shall be subject to on-site testing to demonstrate compliance with the noise standards that have been agreed and the equipment shall thereafter not be used other than in complete accordance with the report and recommendations that have been approved under reference 2015/4794/P dated 01/12/2015 and reference 2015/6780/P dated 02/11/2016.

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

- 4 The development shall be completed in complete accordance with Air Quality Assessment and scheme of mitigation previously approved under reference 2013/8198/P dated 30/01/2014 and addendum approved under reference 2017/6612/P dated 18/01/2018

Reason: In order to ensure that the proposals do not have an unacceptable impact on air quality in the area, in accordance with the objectives of policy CC4 of the London Borough of Camden Local Plan 2017.

- 5 For the purposes of this decision, condition no.5 of planning permission 2013/0884/P shall be replaced with the following condition:

#### REPLACEMENT CONDITION 5

The development hereby permitted shall be carried out in accordance with the following approved plans Site location plan 600 P; Existing Plans 601 P, PSK-PC001, X02; Proposed Plans P01, P03 B, P04, P05, MSK-PC-001 Issue 3, 50377-VE-B1-ZZ-GA-M-5606 rev. PA1, 50377-VE-B1-ZZ-GA-M-5605 rev PA1, 50377-VE-B1-ZZ-GA-M-5603 rev PA1.

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

#### Informative(s):

- 1 Reason for granting permission-

The proposed heat rejection equipment at roof level is necessary to support the operation of the basement Combined Heat and Power (CHP) engine previously approved under reference 2013/0884/P.

The equipment must be located with open access to the air for effective heat rejection. Although alternative locations have been explored such as above the existing stair core; the rooftop location is considered the most suitable and least visible option. Furthermore, pipework to connect the equipment is already pre-installed within the existing flue housing which would ensure installation works were kept to a minimum.

The equipment would be located away from the roof edges and given the fact that there are a number of water tanks and telecommunications equipment at roof level, the proposals are not considered to cause further harm to the character and appearance of the building or wider area.

An acoustic assessment has been submitted with the application to demonstrate that the proposed equipment would still comply with the noise conditions attached to the original permission. Although Camden's noise standards are now more stringent since the adoption of the new local plan (noise levels must be 10dba below background noise levels rather than 5dba); the noise assessment demonstrates that the development would still comply with this standard and would not harm neighbouring amenity as a result of noise disturbance. Likewise, due to the nature and location of the proposals, they are not considered to cause harm to neighbouring amenity in terms of outlook, privacy or daylight.

The Council's Environmental Health Officer has assessed the proposals and has confirmed the acoustic assessment is acceptable.

The application site is not listed, nor is it location within a conservation area. No objections were received prior to the determination of this application.

As such, the proposed development is in general accordance with policies A1, A4 and D1 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework 2012.

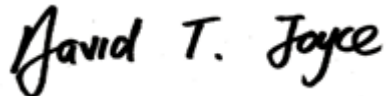
- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 3 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 Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website 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 that reads "David T. Joyce". The signature is written in a cursive style with a large 'D' and 'J'.

David Joyce  
Director of Regeneration and Planning