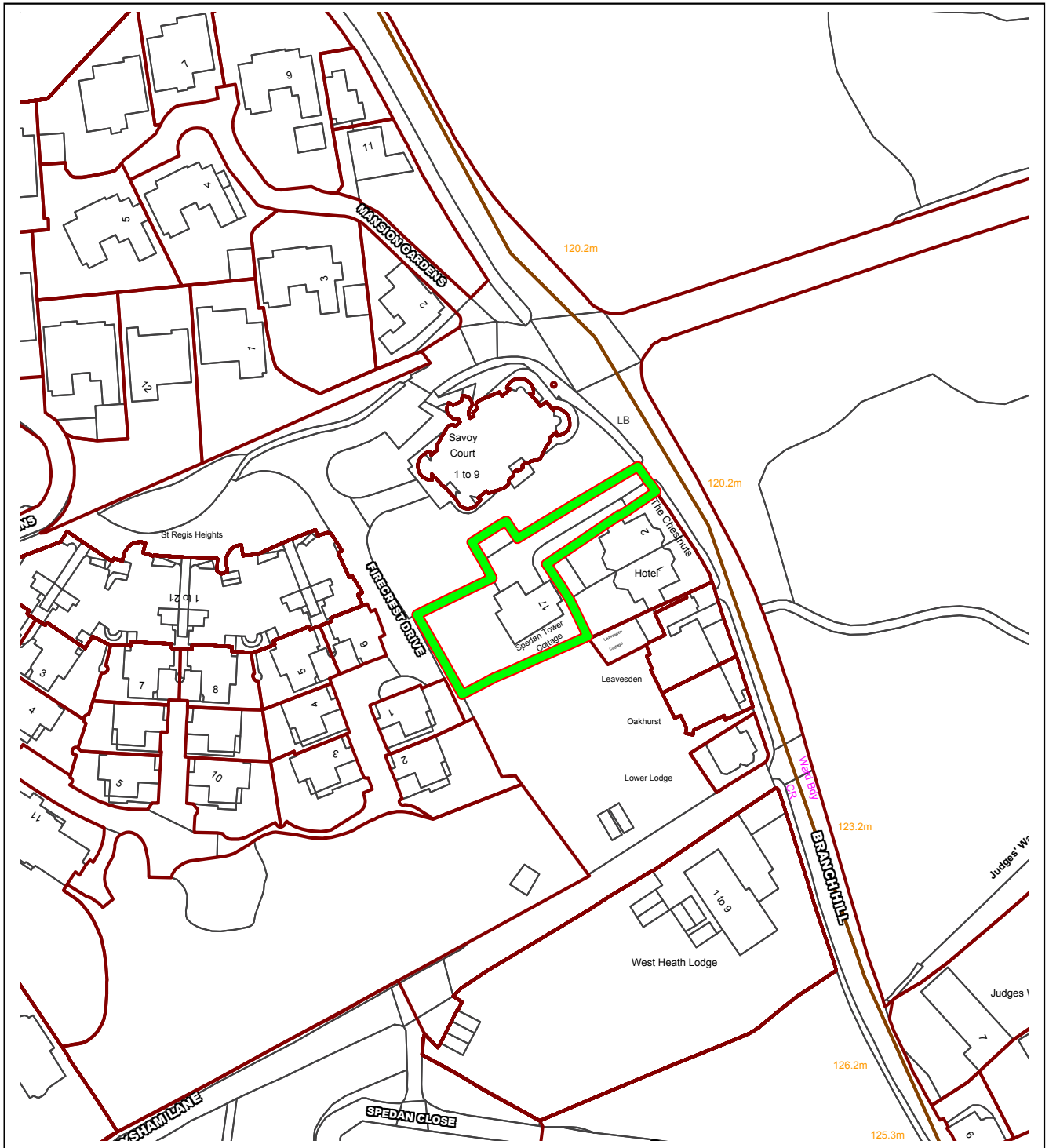


# 17 Branch Hill - 2018/2636/P



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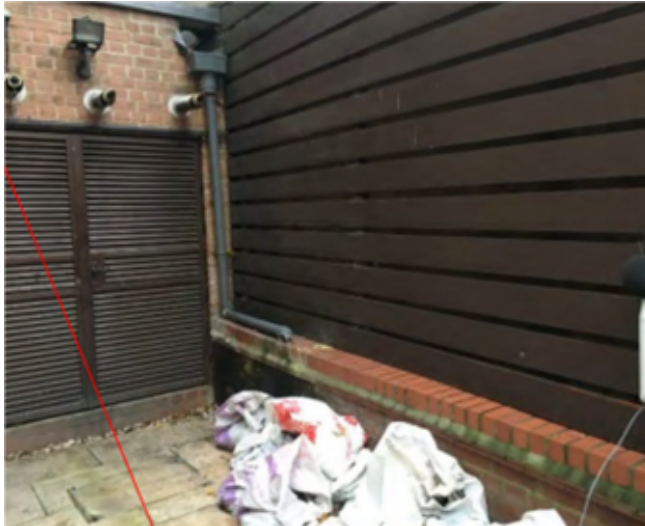
Site photos



1. Aerial photo of 17 Branch Hill showing property before it was redeveloped under ref: 2015/3377/P



2. Photo showing location of proposed acoustic enclosure at rear of 1 Branch Hill



3. Photo showing location of proposed acoustic enclosure at rear of 1 Branch Hill



4. Photo showing side boundary with Leavesden and rear boundary with 1 Branch Hill

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>21/08/2018</b>
		N/A	<b>Consultation Expiry Date:</b>	<b>29/07/2018</b>
<b>Officer</b>			<b>Application Number(s)</b>	
David Peres Da Costa			2018/2636/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
17 Branch Hill London NW3 7NA			Refer to Draft Decision Notice	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
Variation of condition 2 (approved plans) of planning permission 2015/3377/P dated 27/04/2017 (for erection of part 2 and part 3 storey plus basement single family dwelling (following demolition of existing) with plant room, swimming pool (including air handling unit) and 5 condenser units), namely to relocate 2 condenser units to acoustic enclosure in south east corner of garden.				
<b>Recommendation(s):</b>		Grant planning permission subject to s106 Agreement		
<b>Application Type:</b>		Variation of condition		

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>00</b>	No. of responses	<b>00</b>	No. of objections	<b>00</b>
<b>Summary of consultation responses:</b>	<p>A site notice was displayed from 28/6/18 to 22/7/18 and the application was advertised in the local paper on 5/7/18 (expiring 29/07/2018).</p> <p>One objection was received from an occupier of 1 Mansion Gardens. This property is approximately 80m from the subject property and is summarised as follows:</p> <p>Objection to the plant room and condenser units on the grounds of noise. I feel the constant whining noise from the plant room and condenser units will be carried on the wind and cause noise pollution and disturbance to the surrounding gardens and properties.</p> <p><i>Officer's comment: A noise report has been submitted which shows the units would comply with the Council's noise thresholds. A noise condition would ensure there would be no harm to neighbouring amenity.</i></p>					
<b>CAAC comments:</b>	<p><u>Heath and Hampstead Society</u> - Object</p> <p>This variation to move noisy equipment to the corner of the garden and much nearer to neighbouring gardens and houses is not acceptable. The approved position of the equipment was acceptable but the new position is not.</p> <p><i>Officer's comment: A noise report has been submitted which shows the units would comply with the Council's noise thresholds. A noise condition would ensure there would be no harm to neighbouring amenity.</i></p>					

## Site Description

The site comprises a part 2 and part 3 storey plus basement single family dwelling which is currently under construction (2015/3377/P). The site is on a backland site to the rear of an existing semi-detached pair of houses (1 and 2 Branch Hill). The site is accessed via a private driveway between Savoy Court and 1 and 2 Branch Hill.

The property falls within the Hampstead Conservation Area but is not identified as a positive contributor.

## Relevant History

**2015/3377/P:** Erection of part 2 and part 3 storey plus basement single family dwelling (following demolition of existing) with plant room, swimming pool (including air handling unit) and 5 condenser units. Granted Subject to a Section 106 Legal Agreement 27/04/2017

**2018/1465/P:** Reduction in size of windows on west elevation, omission of condenser cupboard from rear garden (lower ground floor level) and window (ground floor level) and alteration to shape and size of window on south elevation, alteration to shape of window on east elevation, omission of two windows on north elevation and addition of skylight to roof to 'Erection of part 2 and part 3 storey plus basement single family dwelling (following demolition of existing) with swimming pool' approved under planning permission 2015/3377/P dated 27/04/2017. Non material amendment Granted 25/04/2018

## Relevant policies

### NPPF 2018

**London Plan 2016, consolidated with alterations since 2011**

### Camden Local Plan 2017

Policy A1 Managing the impact of development

Policy A4 Noise and vibration

Policy D1 Design

Policy D2 Heritage

Hampstead Conservation Area Statement

## Assessment

### 1. Proposal

- 1.1. Consent is sought to relocate 2 condenser units to a proposed acoustic enclosure in the south east corner of the garden. The acoustic enclosure would be located adjacent to the rear boundary of 1 Branch Hill and the side boundary of Leavesden (the property to the south east of the subject property). The acoustic enclosure would measure 2m by 4.1m and would be 2.35m high and would have louvres.

### 2. Assessment

- 2.1. The main issues are design and amenity

#### 2.2. Design

- 2.3. The acoustic enclosure would be located immediately to the south of the approved dwelling filling a gap between the south elevation and the side boundary with Leavesden (the property to the south east of the subject property). It would be located in the SE corner adjacent to the boundary with 1 Branch Hill and the side boundary with Leavesden. Given its location tucked between the approved dwelling and the boundary fence / wall, the location of the acoustic enclosure is considered acceptable. It would not be an obtrusive feature and its size and materials are also considered acceptable. The acoustic enclosure would preserve the character and appearance of the conservation area. 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 (ERR) 2013.

#### 2.4. Amenity

- 2.5. An acoustic report has been submitted to support the application. The acoustic report has been assessed by the Council's environmental health officer and is considered acceptable. The nearest noise sensitive windows to the condenser units are the rear windows of No 1 Branch Hill (The Chestnuts) which are approximately 10m away. The lowest background noise level is 34dB during the daytime and 32dB for the night time. In order to comply with the Council's noise thresholds, the noise at the nearest noise sensitive façade should not exceed 24dB during the daytime and 22dB at night. The mitigation measures which would be included are as follows:

(a) Acoustic enclosure

(b) Acoustic Kits (top and side attenuators) are fitted to both condenser units.

(c) Both units to operate in low noise mode during the night time period (23:00 to 07:00).

- 2.6. It is also recommended that the condensers are mounted on anti-vibration mounts to minimise the transmission of structure borne sound to other parts of the building. The acoustic and anti-vibration mitigation measures would be secured by condition.
- 2.7. The calculated noise from the condensers with mitigation at the nearest noise sensitive facade is 20dBA during the daytime and 11dB during the night. This would meet the Council's requirements. A noise condition would be included on the decision to ensure the Council's noise thresholds were not breached.

#### 2.8. Other

2.9. The original permission was subject to a legal agreement securing the following heads of terms:

1. Construction Management Plan.
2. Highways contribution of £3,372.27
3. Energy efficiency plan
4. Sustainability plan
5. Basement Construction Plan

2.10. As this permission would alter the approved drawings numbers, a deed of variation would be required to ensure the heads of terms would continue to be secured.

### **3. Conclusion**

3.1. Grant planning permission subject to s106 legal agreement

#### **DISCLAIMER**

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 6th August 2018, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.



SHH Architects  
1 Vencourt Place  
Ravenscourt Park  
London W6 9NU

Application Ref: **2018/2636/P**

02 August 2018

Dear Sir/Madam

**DRAFT**  
**FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION**  
Town and Country Planning Act 1990 (as amended)

**DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT**

Address:  
**17 Branch Hill  
London  
NW3 7NA**

**DECISION**  
Proposal:  
Variation of condition 2 (approved plans) of planning permission 2015/3377/P dated 27/04/2017 (for erection of part 2 and part 3 storey plus basement single family dwelling (following demolition of existing) with plant room, swimming pool (including air handling unit) and 5 condenser units), namely to relocate 2 condenser units to acoustic enclosure in south east corner of garden.

Drawing Nos:  
Superseded: (779)020\_P04

Proposed: (779)461\_PL01; Environmental Noise Assessment prepared by Acoustics Plus dated 23/05/2018; (779)020\_P05

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

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 planning permission ref 2015/3377/P dated 27/04/2017.

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

- 2 For the purposes of this decision, condition no.2 of planning permission 2015/3377/P shall be replaced with the following condition:

#### REPLACEMENT CONDITION 2

The development hereby permitted shall be carried out in accordance with the following approved plans:

M2-P1; M2-P2; M4-P2; M5-P2; P1-P2; P2-P2; P4-P2; P5-P2; (779)002\_P02; (779)003\_P02; (779)010\_P03; (779)011\_P02; (779)012\_P02; (779)015\_P02; (779)016\_P02; (779)017\_P02; (779)020\_P05; (779)021\_P04; (779)023\_P02; (779)024\_P04; (779)200\_P03; (779)201\_P03; (779)202\_P03; (779)203\_P03; (779)204\_P04; (779)205\_P06; (779)206\_P05; (779)207\_P05; (779)300\_P04; (779)301\_P03; (779)302\_P02; (779)303\_P03; (779)304\_P01; (779)311\_P02; (779)312\_P02; (779)313\_P02; 1281\_GA\_013 P2; 1281\_SE\_020 P3; 1281\_SE\_021 P3; 1281\_SK\_008 P3; 1281\_SK\_009 P4; 1281\_GA\_011 P2; 1281\_GA\_010 P3; (779)461\_PL01

BIA prepared by Site Analytical Services Ltd dated October 2015; Preliminary Risk Assessment prepared by Site Analytical Services Ltd dated November 2014; Arboricultural Impact Assessment Report prepared by Landmark Trees dated 27th June 2015; Structural Engineer's Design Statement for Planning prepared by engineersHRW dated June 2015; Design and Access Statement prepared by SHH dated June 2015; Renewable energy statement and sustainability report prepared by ME7 dated June 2015; Construction Management Plan prepared by Construction Planning Associates dated June 2015; Environmental Noise Assessment prepared by Acoustics Plus dated 10/6/2015; Report on a Ground Investigation prepared by Site Analytical Services Ltd dated May 2015; Ground movement assessment prepared by Card Geotechnics Limited dated January 2016; Letter from Construction Planning Associates dated 11th January 2016; Environmental Noise Assessment prepared by Acoustics Plus dated 23/05/2018

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

- 3 The windows and facing materials of the development shall be carried out in accordance with the details approved under ref: 2018/1256/P dated 23/07/2018 or any subsequent submission in respect of a) and b) approved in writing by the local planning authority before the relevant parts of the works are commenced. The approved samples shall be retained on site during the course of the works.

a) Details including typical sections at 1:10 of windows and typical sample of frame to be submitted to local planning authority.

b) Manufacturer's specification details of all facing materials including grey render and timber cladding (to be submitted to the Local Planning Authority) and 0.4m x 0.4m samples of those materials (to be provided on site).

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 dwelling hereby approved shall be designed and constructed in accordance with Building Regulations Part M 4 (2).

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy H6 of the London Borough of Camden Local Plan 2017.

- 5 All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the tree protection details approved on 28/06/2017 under ref 2017/2477/P.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017.

- 6 Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(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 15dB(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 policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 7 Before the use of the new dwelling commences, the basement plant, swimming pool Air Handling Unit, water booster and condensers shall be provided with anti-vibration measures and sound attenuation in accordance with the Environmental Noise Assessment prepared by Acoustics Plus dated 10/6/2015 and 23/05/2018 hereby approved. All such measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations.

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

- 8 The cycle store for 2 cycles hereby approved shall be provided in its entirety prior to the first occupation of the new dwelling, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

- 9 Sustainable urban drainage:

A) The sustainable urban drainage system shall be implemented in accordance with the details approved under ref: 2017/2563/P dated 03/08/2017

B) Prior to first occupation of the development, evidence that the sustainable drainage system has been implemented shall be submitted to the Local Authority and approved in writing. The systems shall thereafter be retained and maintained in accordance with the approved maintenance plan.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies CC1, CC2 and CC3 of the London Borough of Camden Local Plan 2017.

- 10 The bio-diverse green roof shall be provided in accordance with the details approved under ref: 2018/1256/P dated 23/07/2018 or any subsequent submission approved in writing by the local planning authority prior to the first occupation of the building in respect of a plan showing details of the bio-diverse green roof including species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the green roof, and a programme for a scheme of maintenance. The green roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme of maintenance.

Reason: To ensure that the green roof is suitably designed and maintained in accordance with the requirements of policies CC1, CC2, CC3, CC4, D1, and A3 of the London Borough of Camden Local Plan 2017.

- 11 The development hereby approved shall achieve a maximum internal water use of 105 litres/person/day, allowing 5 litres/person/day for external water use. Prior to occupation, evidence demonstrating that this has been achieved shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policy CC3 of the London Borough of Camden Local Plan 2017.

- 12 Any piling must be undertaken in accordance with the terms of the piling method statement approved under ref: 2017/2563/P dated 03/08/2017.

Reason: To safeguard existing below ground public utility infrastructure and controlled waters in accordance with the requirements of policy CC3 of the London Borough of Camden Local Plan 2017.

- 13 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking and re-enacting that Order, no development within Part 1 (Classes A-H) and Part 2 (C) of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

Reason: To safeguard the visual amenities of the area and to prevent over development of the site by controlling proposed extensions and alterations in order to ensure compliance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

#### Informative(s):

- 1 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).
- 2 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.
- 3 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 4 You are advised that this proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL as the additional floorspace exceeds 100sqm GIA or one unit of residential accommodation. Based on the information given on the plans, the Mayor's CIL Charging Schedule and the Camden Charging Schedule, the charge is likely to be £4250 (85sqm x £50) for the Mayoral CIL and £42,500 (85sqm x £500) for the Camden's CIL (Zone C Residential).

This amount is an estimate based on the information submitted in your planning application. The liable amount may be revised on the receipt of the CIL Additional Information Requirement Form or other changes in circumstances. Both CIL's will be collected by Camden after the scheme has started and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement and/or for late payment. We will issue a formal liability notice once the liable party has been established. CIL payments will also be subject to indexation in line with the construction costs index.

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.

Yours faithfully

**DRAFT**

Supporting Communities Directorate

**DECISION**