

Howell Brooks

Building Consultancy

14 City Road, London, EC1Y 2AA

Written Representation for The Appeal Against Planning Enforcement
Notice at

College House, 1-8 New College Parade,
Finchley Road, London, NW3 5ES/5EP

1. We look to appeal the planning enforcement on grounds (c) as set out in Regulation 6 of the Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002.

Ground (c) For Appeal

2. Planning permission for the flue system was granted under reference 2015/3762/on the 19th October 2016.
3. The application was submitted in July 2015 but additional information was requested to allow the application to be validated. This information included drawings and a noise assessment. All this was submitted in January 2016 allowing the application to be validated on the 27th January 2016.
4. At this point the flue system had been replaced following a fire so this was, in effect, a retrospective application for the replacement. The flue system as installed can be seen in the photograph below.



5. This is the flue system that can be seen on the photo with the application marked As Built Photo and dated 14th January 2016.
6. Nothing further was heard from the planning officer, Fergus Freeney, until the application was chased on the 5th September. Prior to this and to comply with the recommendations of the noise assessment silencers were installed to the new flue system July 2016, as shown in the dated email attached in appendix A. The silencers can be seen in the photograph below.



7. An appointment was then made for the 18th October for Fergus Freeney to come and inspect the completed installation. Following the inspection with the silencers in place the planning was approved on the 19th October 2016.
8. The permission refers to the silencers that were in place during the inspection including the following:

'The retrospective works to the ducting and installation of silencers improves the amenity of nearby residents by reducing the bulk and noise levels and is therefore considered acceptable.'

9. The permission then goes on to say:

'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.'

'As such, the proposed development is in general accordance with policies CS5, CS14 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24, DP25, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with the London Plan March 2016, and the National Planning Policy Framework.'

10. The intention is also to develop the site which will result in the duct work being removed or relocated in the next 24 months.
11. As the above demonstrates planning approval was clearly given for the existing flue system including the silencers as inspected by the planning officer on the 18th October 2016. The planning departments reliance on a plan that is clearly marked not to scale ignores all the other factors that contributed to the final approval.

Appendix A

Confirmation of Silencer Installation Date

James Collett

Subject: FW: new college parade, finchley

From: [REDACTED]

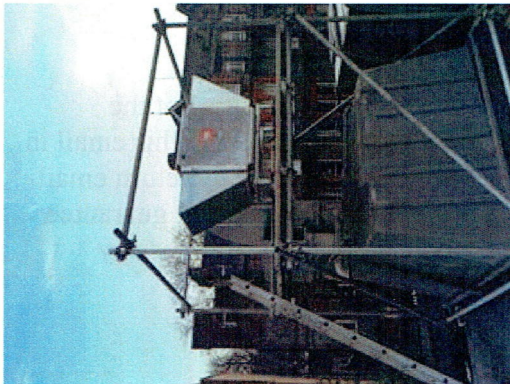
Sent: 20 July 2016 16:02

To: Rebecca Greaves [REDACTED]

Cc: Elie Dangoor [REDACTED]; Tamara Bull <[REDACTED]>

Subject: Re: new college parade, finchley

Job done



Kind regards
M Maboudi

for and on behalf of
F&M Property Maintenance Ltd
21 Springfield close
London
N12 7NT



Important notice:

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Appendix B

Planning Decision



**Regeneration and Planning
Development Management**
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Tel 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

Mr Tamara Bull
Howell Brooks & Partners LLP
78/79 Long Lane,
London
EC1A 9RP

Application Ref: **2015/3762/P**
Please ask for: **Fergus Freeney**
Telephone: 020 7974 **3366**

19 October 2016

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
College House
1-8 College Parade
Finchley Road
London
NW3 5EP

Proposal:
Retention of ducting and new mechanical plant and ventilation equipment following replacement of previous ducting and plant equipment at rear of building
Drawing Nos: Acoustic Assessment of Plant Noise (dated 26/12/2016); 001; Site location Plan.

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).



LONDON BOROUGH OF CAMDEN

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Acoustic Assessment of Plant Noise (dated 26/12/2016); 001; Site location Plan.

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

- 3 The external noise level emitted from the proposed flue and associated equipment with suggested noise mitigation at the development hereby approved shall be lower than the lowest existing background noise level by at least 10dBA as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with machinery operating at maximum capacity

Reason: 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.

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 Reasons for granting permission.

Permission is sought for the retention of ducting and associated plant at rear roof level; the ducting replaces a larger piece of mechanical ventilation equipment which blocked residential windows and reduces the overall appearance and impact of the ducting.

A site visit was carried out on the 18th October 2016 which indicated that silencers

as proposed in the submitted noise report have been installed and are operating thereby reducing noise pollution from the plant; the more noticeable noise even to the rear of the building was that of the Finchley Road.

The Council's Environmental Health Team has assessed the supporting noise report and has confirmed it is acceptable.

The retrospective works to the ducting and installation of silencers improves the amenity of nearby residents by reducing the bulk and noise levels and is therefore considered acceptable.

The planning history of the site has been taken into account when coming to this decision. No comments have been received.

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.

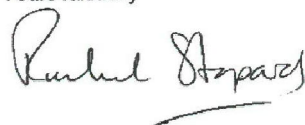
As such, the proposed development is in general accordance with policies CS5, CS14 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24, DP25, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with the London Plan March 2016, and the National Planning Policy Framework.

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



Rachel Stopard
Executive Director Supporting Communities

Executive Director Supporting Communities