

Application ref: 2018/5902/P
Contact: Jonathan McClue
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Date: 2 May 2019

Development Management
Regeneration and Planning
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Tasou Associates Limited
4 Amwell Street
London
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Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

**1-11A Swain's Lane &
109-110 Highgate West Hill
London
N6 6QX**

Proposal: Proposed plant equipment, including plant and acoustic enclosure within the rear courtyard (associated with the commercial units) and plant on the roof terrace (associated with penthouse apartment) relating to application 2013/6674/P (as amended by 2017/6643/P)

Drawing Nos: EX.01; EX.02; PP.02; Air Conditioning Technical Data; Plant Noise Assessment dated 18 March 2019; EW-116 Rev B and PP.01 Rev B.

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 D1 and D2 of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: EX.01; EX.02; PP.02; Air Conditioning Technical Data; Plant Noise Assessment dated 18 March 2019; EW-116 Rev B and PP.01 Rev B.

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 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 G1, CC1, D1, A1 and A4 of the London Borough of Camden Local Plan 2017.

- 5 Machinery, plant or equipment and ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

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.

Informative(s):

- 1 Reasons for granting permission.

The proposal includes plant equipment for commercial and residential uses within a substantially completed development originally approved under 2013/6674/P. An acoustic plant enclosure is proposed in lieu of a car parking space to the rear of the property. The associated plant would serve the ground floor commercial units permitted as part of the development. Two condensers are proposed on the roof terrace of the western building. They would be located within planters. The main planning considerations are design and heritage, transport (car parking) and noise impacts on prospective and adjoining occupiers.

The commercial plant would be enclosed within a plant enclosure, adjacent to

an approved waste storage area. It would sit in front of a boundary wall and continue the brick treatment of the waste storage. Louvred panels are included to the front and planting is proposed on top. Due to the detailed design and location of the proposal, to the rear of the site at ground floor level, it is considered to preserve the character and appearance of the development, surrounding area and adjacent conservation area. The residential plant would be obscured from views externally within a fully enclosed planter box. This element of the proposal would therefore have limited visual amenity impacts. Substantial planting is proposed around the proposed plant equipment.

The proposed loss of a private residential parking space is welcomed in transport terms. It accords with the Council's policies to secure car free developments. This loss is therefore supported by policy and provides a planning benefit to the scheme.

The application is supported by a Plant Noise Assessment, that has been assessed and deemed acceptable by the Council's Environment Health Officer. In terms of prospective residents associated with the new build, the level of sound insulation required by the building fabric to ensure adequate internal noise levels in inhabitable rooms from external environmental noise is deemed acceptable. Furthermore, these residents will be new to the area and therefore will not experience a change in noise climates. For existing neighbouring residents, the acceptability of the proposal is illustrated in the Plant Noise Assessment. For each adjoining occupier, the predicted noise impact is significantly below Camden's "Green Effect Level" in terms of noise impact; on that basis the noise impact complies with No Observed Effect Level (NOEL) in terms of the NPPF and NPPG. Conditions 16 and 17 (plant details for commercial units and noise level compliance) of planning application 2013/6674/P are superseded and effectively discharged by this development. The proposals meet the criteria of these conditions as well as the more onerous current policy requirements for a rating level to be 10dB or more below background noise.

Special attention has been paid to the desirability of preserving or enhancing the character and 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.

Comments were received from an adjoining occupier. It is noted that the proposal was amended to move the plant housing further away from the nearest occupier to significantly improve noise impacts. The occupier confirmed that they do not object to the proposal. The site's planning history and relevant appeal decisions were taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies A1, A4, D1, D2, T1 and T2 of the London Borough of Camden Local Plan 2017. The proposed development also accords with the Fortune Green and West Hampstead Neighbourhood Plan, London Plan 2016 and the National Planning Policy Framework 2019.

- 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.
- 4 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at www.camden.gov.uk/cil for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

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

Yours faithfully



Daniel Pope
Chief Planning Officer