

Application ref: 2019/6384/P
Contact: Kristina Smith
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MZA Planning
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Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted and Warning of Enforcement Action

Address:

**6 Rosecroft Avenue
London
NW3 7QB**

Proposal:

Installation of 2 no. air conditioning units (AC) to main roof level

Drawing Nos: Location map; 06.961.13 Rev B - AC units as Existing Drawing; 06.961.13 Rev C - AC units as Proposed Drawing; 06.961.14 Rev C - AC units as Proposed Drawing; 06.961.15 Rev E - AC units as Proposed Drawing; 06.961.15 Rev D - AC units as Existing Drawing; 06.961.14 Rev B - AC units as Existing Drawing; 06.961.16 Rev E - AC units as Existing Drawing; 06.961.16 Rev E Approved Planning drawing; 06.961.14 Rev B Approved Planning drawing; 06.961.15 Rev D Approved Planning drawing; Planning statement

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

Condition(s) and Reason(s):

- 1 Within six months of the date of the decision the development hereby permitted (including the anti-vibration isolators) must be completed in its entirety.

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

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

Location map; 06.961.13 Rev B - AC units as Existing Drawing; 06.961.13 Rev C - AC units as Proposed Drawing; 06.961.14 Rev C - AC units as Proposed Drawing; 06.961.15 Rev E - AC units as Proposed Drawing; 06.961.15 Rev D - AC units as Existing Drawing; 06.961.14 Rev B - AC units as Existing Drawing; 06.961.16 Rev E - AC units as Existing Drawing; 06.961.16 Rev E Approved Planning drawing; 06.961.14 Rev B Approved Planning drawing; 06.961.15 Rev D Approved Planning drawing; Planning statement

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

- 3 Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

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

- 4 Prior to use, the AC units 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 ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration in accordance with policies A1 and A4 of the Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission.

The application is for the relocation of two AC units from the side elevation of the property (boundary with no.4 Rosecroft Avenue) to main roof level.

The application has been submitted in response to a noise complaint from a neighbour which is the subject of an enforcement case (ref.EN19/0695). There is no planning permission for their initial installation and as such the existing AC units are unauthorised. As such, a condition would be attached to require the work to be carried out within 6 months from the date of permission. The timescale has been informed by current extenuating circumstances (COVID-19

pandemic) which means that work cannot be carried out in the short term.

The units are to be relocated above an existing side dormer extension against an existing chimney stack. By virtue of their positioning, set well back from the front building line, they would not be visible in any views from the street. As a result, the proposal is considered to preserve the character and appearance of the host property and Redington Froggnal 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 2013.

The proposal has been reviewed by the Council's Environmental Health officer who considers the relocation acceptable subject to conditions controlling noise levels and vibration. The relocation of the units are therefore not considered to cause any adverse impacts on the amenity of adjoining residential occupiers including the neighbouring occupiers on Rosecroft Avenue (particularly nos. 4 and 8) and properties to the rear that front onto Redington Road in terms of noise and disturbance.

There have been two responses to the application during the consultation period noting that the units cannot be seen from anywhere and therefore the respondents have no objection. The planning history of the site has been taken into account when coming to this decision.

The applicant has submitted an energy and sustainability statement that demonstrates air conditioning units are the most feasible option to achieve comfort cooling. It assesses the proposal against the cooling hierarchy as required by CPG Energy Efficiency and Adaption. It is considered, given the property is an existing building with limited scope to retrofit, the retention of AC units meets the guidance.

As such, the proposed development is in general accordance with policies A1, A4, CC1, CC2, D1 and D2 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework.

- 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 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is

subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.

- 4 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

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 must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

5 ENFORCEMENT ACTION TO BE TAKEN

The Director of Culture and Environment will instruct the Borough Solicitor to issue an Enforcement Notice alleging a breach of planning control if the unauthorised units on the ground floor are not removed within 6 months of the date of this permission.

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