

Application ref: 2021/3407/P
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Date: 3 November 2021

Development Management
Regeneration and Planning
London Borough of Camden
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Advance Architecture
352 Green Lanes,
Palmers Green
London
N13 5TJ
United Kingdom

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
5 Mansfield Road
London
NW3 2JD

Proposal: Installation of fridge condenser unit to the rear of the ground floor retail unit (Retrospective).

Drawing Nos: Noise Impact Assessment Report (dated 12/08/21), Design and Access Statement, P100, 101 (Rev 2), P102 and 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).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans Noise Impact Assessment Report (dated 12/08/21), Design and Access Statement, P100, 101 (Rev 2), P102 and Site Location Plan

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

- 3 The acoustic enclosure shown on drawing refs: P101 rev R2 and P102 shall be installed within three weeks of the date of this decision and permanently retained as such.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy A1, A4, and D1 of the London Borough of Camden Local Plan 2017.

- 4 Prior to use, machinery, plant or equipment 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 policy A1, A4, and D1 of the London Borough of Camden Local Plan 2017.

- 5 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.

Informative(s):

- 1 Reasons for granting permission.

The application seeks retrospective permission for a fridge condenser unit to the rear of the property at ground floor. The application has been submitted following an Enforcement complaint due to the noise of the unit (ref: EN21/0240). Photos provided demonstrate that, due to its location, the proposed unit will be screened from within the public realm and is thus a discreet addition which would not impact the appearance of the building or wider area.

A Noise Impact Assessment has been submitted with the application to establish the minimum background noise level.

Upon consultation with the Environmental Health team, it is confirmed that the appropriate noise guidelines have been followed within the report such as Noise Policy Statement for England, National Planning Policy Framework

(NPPF), Planning Practice Guidance on Noise, Camden Council's Local Plan and BS 4142:2014.

The assessment recommends the installation of a permanent acoustic enclosure surrounding the condenser unit which provides a minimum insertion loss of 25dB Rw in order to comply with Camden's noise standards. Subject to the installation of the enclosure, noise emissions from the proposed plant unit should not have an adverse impact on the nearest sensitive receivers.

Amended plans have been submitted to show an acoustic enclosure, the installation and retention of which shall be secured by condition to ensure the condenser unit complies with Camden's noise standards.

Permission shall also be granted subject to conditions securing compliance with Camden's noise standards and securing the installation of anti-vibration isolators.

One objection has been received since the consultation began with concerns raised regarding noise and the impact on amenity, including the unsanctioned condenser unit itself. Whilst the Council recommends planning permission is sought before development being implemented, retrospective planning applications are still considered under the same policies and guidance. Furthermore, subject to the attached conditions, the Council's Environmental Health have confirmed that the unit would not result in harm to neighbouring amenity.

The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies A1 and A4 of the 2017 Camden Local Plan. The proposed development also accords with policies of the London Plan 2021 and National Planning Policy Framework 2021.

- 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, 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 (search for 'Camden Minimum Requirements' at www.camden.gov.uk) 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.

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 2021.

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, appearing to read 'DPope', is written over a light grey rectangular background.

Daniel Pope
Chief Planning Officer