

Application ref: 2022/2057/P
Contact: Fast Track JL
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Date: 28 July 2022

Development Management
Regeneration and Planning
London Borough of Camden
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Phone: 020 7974 4444

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www.camden.gov.uk/planning

Adrian Salt and Pang Ltd
13A Lanark Road
London
W9 1DD
United Kingdom

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
7 Minster Road
London
Camden
NW2 3SD

Proposal:

Installation of air condensers within an acoustic enclosure, roof hatch, and guard rails all at roof level.

Drawing Nos: Fig. 1, Fig. 2, Fig. 3-C, Fig. 4-C, Fig. 5-E, Fig. 6-F, Fig.7-C, Fig.8-C, Fig.9-C, Fig.10-C, Fig.11-F, Fig.12-F, Fig.13-F, Fig.14-F, Fig.15-F, Fig.16-F, Fig.17-F, Fig.18-F, Fig.19-A, Fig.20-F, Fig.21-F, Fig.22-F, Fig.23-E, Fig.24-C, Fig. 25, Fig. 26, Fig.27, Fig.28-B.

Supporting Documents: Planning, Design and Access Statement Rev B by Adrian Salt and Pang dated 24 June 2022 including Appendix A-E & Annex A1 & A2 (Noise Assessments), Email from Adrian Salt and Pang dated 23 June 2022 'Cooling Hierarchy', Letter from Adrian Salt and Pang 'Room Temperatures' dated 18 June 2022.

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: Fig. 1, Fig. 2, Fig. 3-C, Fig. 4-C, Fig. 5-E, Fig. 6-F, Fig.7-C, Fig.8-C, Fig.9-C, Fig.10-C, Fig.11-F, Fig.12-F, Fig.13-F, Fig.14-F, Fig.15-F, Fig.16-F, Fig.17-F, Fig.18-F, Fig.19-A, Fig.20-F, Fig.21-F, Fig.22-F, Fig.23-E, Fig.24-C, Fig. 25, Fig. 26, Fig.27, Fig.28-B.

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

- 3 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 of the London Borough of Camden Local Plan 2017.

- 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 A1 and A4 of the London Borough of Camden Local Plan 2017.

- 5 Before the air-conditioning plant is first used the acoustic enclosure shall be installed in accordance with the details hereby approved. All such measures to attenuate sound 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.

- 6 Prior to use, the air conditioning 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 thereafter.

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 property is in use as a nursery school. An air conditioning unit was installed at the property on the side elevation without planning permission. This application has been submitted to remedy this breach in planning control. The proposal is to relocate this air conditioning unit to the flat roof of the property with an additional air conditioning unit. The units would be surrounded by an acoustic enclosure (length 2.5m x width 1.7m height 1.3m) and a 1.1m high metal safety rail. The proposal has been revised during the course of the application to remove the originally proposed enclosed access staircase and replace it with a flush access hatch.

The air conditioning units and enclosure are located on the central part of the roof, set away from the front and rear elevations. The units and associated structure would be visible in some longer views of the building, however considering the siting and low height it would be barely perceivable in views from Minster Road and from Fordwych Road and would not project significantly above the roof line or appear obtrusive. The siting of the units elsewhere in the premises has been discounted either due to an inability to appropriately attenuate sound or for safety reasons given the use of the premises as a nursery school. It is considered that the proposals would not have a detrimental impact on the character or appearance of the building or the surrounding street scene.

The provision of mechanical/electrical equipment to provide air-conditioning is not generally acceptable. The applicant has provided an assessment of the proposals against the cooling hierarchy. In this instance, considering the constraints of the existing Victorian building, the use of the building for young children and associated safety concerns relating to natural, passive ventilation methods the proposal is acceptable in terms of climate change.

The building is surrounded by residential buildings. An objection has been received from the occupier of no. 9 Minster Road on grounds of noise disturbance and outlook (see the separate consultation summary which addresses the concerns raised). There is a dormer window on the side elevation of No. 9 which faces No. 7, however the small scale of the acoustic enclosure ensures it would not impact on daylight or outlook. The safety railings proposed are to ensure safe maintenance of the units and given the infrequency of maintenance events this would not result in a loss of privacy to the neighbouring property.

The submitted Plant Noise Assessment indicates that the noise levels which would be generated would achieve the Council's noise level limits. Standard noise conditions would be attached to ensure that units continue to operate below the ambient levels at neighbouring premises in line with the findings in the report.

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, A4, CC1, CC2 and D1 of the Camden Local Plan 2017 and Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan. The proposed development also accords with the London Plan 2021 and the 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 positioned above the printed name.

Daniel Pope
Chief Planning Officer