

Officer's Assessment

1. Policy Context

Relevant Development Plan Policies:

- London Plan (2016)
- Relevant Core Strategy DPD (2012): Policies CS NPPF, CS13
- Relevant Development Management DPD (2012): Policies DM04

2. Assessment of proposal

In 2010, planning permission (reference F/02820/10) was granted for the construction of a part 3/ part 4 storey building comprising of 9 flats, with accommodation in the roofspace, car parking and cycle storage. Associated landscaping and amenity space. A subsequent application (reference 14/07374/FUL) was refused by the Council in 2015 for the Temporary change of use for five years involving alteration and conversion of existing 3 bedroom flat to create en-suite facilities and kitchenettes to each room at flat 8 Ullswater Court.

The site is managed by the International Bible Students Association (IBSA) which is the administrative organisation for Jehovah's Witnesses in the United Kingdom. The organisation's headquarters are currently based in Mill Hill, The Ridgeway, and the units within Ullswater are currently housing some of the IBSA members. It is the intention to relocate the charity headquarters of Jehovah's Witnesses and its associated accommodation to Chelmsford which is expected to be completed around 2020.

The Council served an Enforcement Notice on the site in January 2015 as the approved 9 units had been subdivided into 36 dwelling units. The Planning Inspectorate considered appeals to both the Enforcement Notice and the refused change of use application from 2015. The decision concluded that there had been a breach of planning control as the approved 2010 permission had not been implemented and express planning permission was required. The Inspector corrected the breach as Without planning permission, the erection of 36 self-contained flats in a part 3 and part 4 storey building not in accordance with planning permission reference F/02820/10 granted 10 September 2010. The Inspector in their decision also granted an alternative planning permission for the erection of 9 (nine) self-contained flats in a part 3 and part 4 storey building on land at Ullswater Court 92 Holders Hill Road, London NW4 1LN. This reflects a variation of the original 2010 permission. The Enforcement Notice was amended to require the applicant to Cease the use of the building as flats other than in full compliance with the planning permission for 9 flats granted pursuant to appeal reference number APP/N5090/C/15/3005873 and required a 12 month period of compliance from the date of decision (21 June 2016).

Approval for these condition elements were previously considered by the committee and were refused at the meeting of 14 June 2016.

The application is being referred to committee as a result of local interest and discussions held at the previous committee meeting on this condition.

Condition 7 (Ventilation)

Condition 7 states:

Before the development hereby permitted is first occupied and used a 9 self-contained flats, details of the mechanical ventilation system including plant and machinery shall be submitted to, and approved in writing by, the local planning authority. Details shall include sound-insulating measures and material and mounted in a way which will minimise transmission of structure borne sound. The development hereby permitted shall be carried out in accordance with the approved details.

In regards to noise, the Inspector commented that the most appropriate method to safeguard resident's living conditions, noise emitted from plant and machinery can be addressed by requiring details to be submitted to the Council for its approval. The Inspector comments that *Environmental Health officers are best placed to assess the potential impact upon neighbours and any mitigation required.*

In terms of mitigation implemented on the site, attenuators were installed on the south elevation which was found to reduce the noise levels by around 10dB(A). In addition, acoustic ducting has installed around internal pipes to provide sound attenuation.

The ventilation details were previous considered at committee within a joint conditions application with proposed details for landscaping and boundary treatment. While the overall application was refused and it was acknowledged that residents had expressed objection to the ventilation details, the reason for refusal makes reference only to landscaping and boundary treatment details.

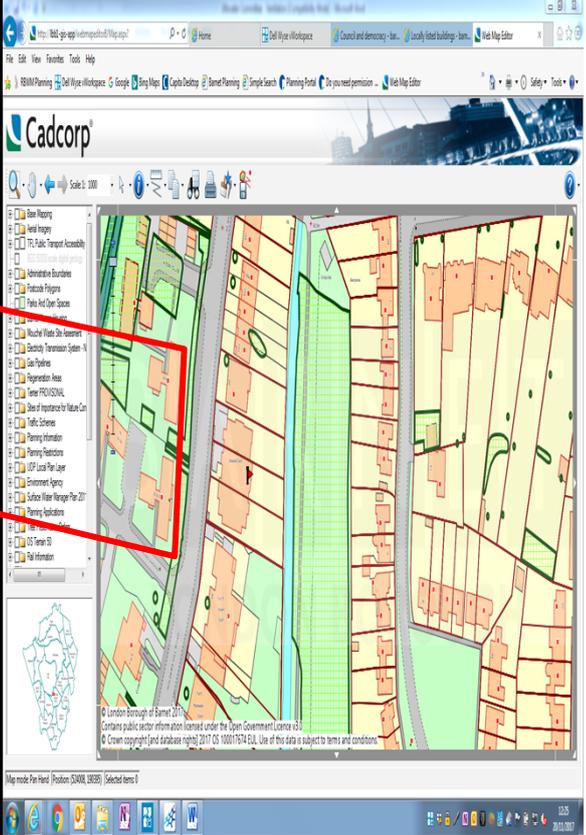
Environmental Health Officers visited the site, with specific reason to identify and assess any adverse noise impact on the neighbouring property at No.98 Holders Hill Road. During the visit, the ventilation equipment and boilers from Ullswater Court were on full power. Standing within the rear garden of No.98, adjacent to the habitable windows, there was no audible noise. Environmental Health Officers decided that as the plant/boiler noise was not audible above the background noise at No.98, a noise assessment was not necessary. As such Environmental Health is satisfied that appropriate measures have been previously carried out and that there is no adverse impact in terms on noise on the residential amenity of No.98. The Planning Officer accompanied the Environmental Health Officers and can confirm that the above account is accurate. Therefore, it is considered that the requirements of condition 7 are satisfied.

Corporate Anti Fraud Team

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Scale 1:2000

- Base Planning
- Highways
- Public Transport Accessibility
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- Water
- Waste
- Waste Site Assessment
- Electricity Transmission System - N
- Gas Pipelines
- Regeneration Areas
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- UPP Land Plan Layer
- Conservation Areas
- Surface Water Management Plan 2017
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- Planning Applications
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- Path Information

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Map mode: Plan View Position: SW90 0R55 Selected items: 0