

Westminster City Council Development Planning
Development Planning
City of Westminster
PO Box 732
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Dear Sir / Madam

27 GOODGE STREET, LONDON, W1T 2LD

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) - SECTION 73A APPLICATION TO VARY
CONDITION 2 OF PLANNING PERMISSION 2022/3608/P (RETROSPECTIVE APPLICATION)**

PLANNING PORTAL REF: PP-12277396

On behalf of the applicant, Shaftesbury CL Ltd, we submit a Section 73A application to vary Condition 2 of planning permission 2022/3608/P. This application is for retrospective consent. The application fee of £234.00 has been paid via the Planning Portal.

Planning permission 2022/3608/P was granted on 9th February 2023 for the '*Installation of 6 new air source heat pumps*' [*description of development amended by planning permission 2023/2950/P*].

The following information is attached in support of this application:

- Planning Application Forms – prepared by Rolfe Judd Planning;
- Site Location Plan - prepared by Fresson & Tee;
- Approved Plans (from planning permission 2022/3608/P) - prepared by Fresson & Tee;
- Pre-Existing and Proposed Plans - prepared by Fresson & Tee;
- Existing Photograph of rooftop plant;
- Acoustic Enclosure Details – prepared by Acoustic Enclosures Limited;
- Technical Note – prepared by Hann Tucker Associates;
- CIL Form - prepared by Rolfe Judd Planning.

Site Location

The application site is located on the southern end of Goodge Street (A5204). The property is largely vacant but comprises a ground floor and front basement level commercial retail unit (Class E) and offices on the upper floors (Class E). Part of the basement is occupied by the restaurant in the neighbouring property (29 Goodge Street). The site is located within the Charlotte Street Conservation Area and the Central Activities Zone (CAZ).

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The site's locality is characterised by a mix of uses, comprising predominantly retail and restaurant units at the ground floors and commercial office or residential use on the upper floors. This application relates to the location of plant serving the restaurant unit (ground and basement) and the upper floor office units.

Background and Relevant Planning History

Through a search of Camden's online planning database, the following planning history is of relevance to this application:

- 2022/1494/P: *Proposed reconstruction and extension of existing rear toilet block on second and third floors and rooflight on rear ground floor.* Approved 23rd August 2022.
- 2022/3161/P: *Installation of new Shopfront.* Approved 1st November 2022.
- 2022/3608/P: *Installation of 6 new air source heat pumps on the rear first floor.* Approved 9th February 2023.
- 2023/2950/P: *Non-Material Amendment to planning permission 2022/3608/P dated 9/2/2023 to alter development description from 'Installation of 6 new air source heat pumps on the rear first floor' to 'Installation of 6 new air source heat pumps'.* Approved 19th September 2023.

This application seeks to amend the plans approved by planning permission 2022/3608/P to relocate one AC unit.

Upon installation of 3No. heat pumps for the offices by the contractor, it was deemed that there was insufficient space on the rear first floor roof to install the units within their approved acoustic housing, as the housing required to meet the relevant acoustic noise standards as set out in the original Hann Tucker noise report was larger than originally anticipated (as depicted on the approved drawings for 2022/3608/P). We note that the 3No. heat pumps for the ground floor tenant has not yet been installed and no changes are sought to the consented arrangements.

A singular heat pump for the office was required to be relocated, as its approved location would block maintenance access to the roof, which was via the first floor window. It was decided to move this onto the roof to avoid any plant being shifted closer to the residential properties on Colville Place. This heat pump has been positioned next to the existing access hatch, to service the top floor office unit.

Proposal

This application seeks retrospective permission under Section 73A to vary Condition 2 of planning permission 2022/3608/P to regularise the installation of 3No. heat pumps in a revised configuration (in the interest of proper planning).

The proposed plans prepared by Fresson & Tee illustrate the current position of the heat pumps on the rear flat roof and upper roof of the building. It is proposed to substitute the approved plans listed in the decision notice with the proposed plans (dated April and June 2023) to reflect the as-built arrangement of the plant equipment servicing the offices on site. As demonstrated on the revised plans, the equipment remains as consented, but simply reflects the accurate size of the installed acoustic housing and the alternative location for 1No. heat pump onto the roof.

The 3No. heat pumps proposed to service the ground floor unit have not been installed, therefore no change is proposed to this layout, as consented.

A technical noise report has been completed by Hann Tucker Associates which confirms that the revised

location of the heat pump to the roof will achieve the relevant noise criteria of the Local Authority, as set out in Condition 3, without the need for any additional mitigation measures.

This application seeks retrospective permission for the relocation of 1No. heat pump onto the roof, as well as the installation of the slightly larger acoustic housing around the respective 2No. stacked heat pumps on the rear flat roof to ensure the noise reduction measures are achieved.

As noted in the National Planning Policy Guidance, a minor material amendment is one where the scale and nature results in a development which is not substantially different from the one which has been approved. We consider this to be the case and therefore consider that the changes, whilst material, are minor in nature.

Proposed Amendments to Condition Wording

This Section 73A application seeks to amend the approved plans referenced by Condition 2 of planning permission 2022/3608/P.

Condition 2 is worded as follows:

2. *'The development hereby permitted shall be carried out in accordance with the following approved plans*

Site Location Plan C-001-P2, C-100-P2, C-101-P2, C-102-P2, C-200-P3, C-201-P3, C-202-P3, Overheating Analysis R2 (prepared by Quinn Ross Energy dated 27/01/2023), Environmental Noise Survey and Plant Noise Assessment Report (prepared by Hann Tucker Associates dated 19/08/2022), Acoustic Enclosure Details (prepared by environ group dated 09/09/2022)'

For the avoidance of doubt, the drawings consented under planning permission 2022/3608/P and those submitted herewith to replace them are listed below. The proposed amendments to drawing references are highlighted in red. Please note the submitted Technical Note has been commissioned in conjunction with the new plant location and is therefore a new document.

Title	Reference Consented under 2022/3608/P	Proposed Reference
Existing Drawings		
Site Location Plan	C-001-P2	-
First Floor Level & Rear Roof As Existing	C-100-P2	-
Rear Elevation As Existing	C-101-P2	-
Side Elevations As Existing	C-102-P2	-
Roof Level As Existing	-	C-104-P1
Proposed Drawings		
First Floor Level As Proposed	C-200-P3	C-200-P5
Rear Elevation As Proposed	C-201-P3	C-201-P5
Side Elevations As Proposed	C-202-P3	C-202-P4
Roof Level As Proposed	-	C-204-P1
Section A Proposed	-	C-401-P1
Supporting Information		
Overheating Analysis R2 (prepared by Quinn Ross Energy dated 27/01/2023)	P2283-TM52-R01	-
Environmental Noise Survey and Plant Noise Assessment (prepared by Hann Tucker Associates dated 19/08/2022)	29598/PNA1 Rev5	-

Acoustic Enclosure Details	Dated 09 September 2022 (prepared by environ group)	Dated 24 March 2021 (prepared by Acoustic Enclosures Limited)
Technical Note (prepared by Hann Tucker Associates dated 22/05/2023)	-	29598/PTM1/Rev1

The proposed changes to the wording of Condition 2 are set out below:

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

Site Location Plan C-001-P2, C-100-P2, C-101-P2, C-102-P2, C-200-P36, C-201-P36, C-202-P35, C-204-P1, C-401-P2, Overheating Analysis R2 (prepared by Quinn Ross Energy dated 27/01/2023), Environmental Noise Survey and Plant Noise Assessment Report (prepared by Hann Tucker Associates dated 19/08/2022), Technical Note (prepared by Hann Tucker Associates dated 22/05/2023), Acoustic Enclosure Details (prepared by environ group dated 09/09/2022 and prepared by Acoustic Enclosures Limited dated 24/03/2021)

Planning Considerations

Design and Heritage

Local Plan Policy D1 (Design) seeks to ensure high quality design in development, which respects local context and character, preserves the historic environment, comprises details and materials that are of high quality, and of most relevance, carefully integrates building services equipment. This includes ensuring that any required servicing equipment or ducting is contained within the envelope of a building or located in a visually inconspicuous position.

The 2No. heat pumps installed on the rear flat roof will be located at the rear of the site in the same position as approved, with no visibility from the street. The acoustic enclosures shown on the proposed plans are marginally larger than was approved by Planning Permission 2022/3608/P as the stacked acoustic enclosure arrangement was only shown indicatively on the approved plans. The 3No. heat pumps required for the ground floor unit have not yet been installed but will be located in the same position as approved.

The relocation of the singular heat pump onto the roof will ensure that there is very limited visibility of the unit from any public vantage points. The building has a butterfly roof design with a parapet, and there is an existing raised access hatch located centrally on the roof. The heat pump has been installed at roof level, immediately adjacent to the access hatch, and services the third floor office unit. Due to the unit's position centrally on the roof and behind a parapet/access hatch, there is no visibility of the unit from Goodge Street. Further, there would be very limited visibility of the unit from the rear as the houses behind (Colville Place) are all lower in height and therefore have no direct views over the roof.

There are a number of instances in the surrounding area where condenser units/ plant have been located at high roof level, therefore it is not an unusual situation.

Local Plan Policy D2 (Heritage) states the Council will require that development within a conservation area preserves or, where possible, enhances the character or appearance of the area.

The proposal will not have any material impact upon the existing character or appearance of the building and wider context of the Charlotte Street Conservation Area as the plant equipment at first floor rear roof will only be visible from the rear of surrounding properties, with no visibility of the unit located on the upper level roof from the road or any public vantage points.

Amenity (Noise and Outlook)

Local Plan Policy A1 seeks to manage the impact of development to ensure that the quality of life of occupiers and neighbours is protected, and mitigation measures are provided where necessary. Factors relevant to this proposal include outlook, noise and vibration levels.

Policy A4 of the Local Plan (Noise and Vibration) states that the Council will seek to ensure that noise and vibration is controlled and managed. The policy also states that permission for noise generating development, including any plant and machinery, will only be granted if it can be operated without causing harm to amenity.

The plant equipment installed on the site includes 2No. heat pumps in a stacked arrangement on the first floor rear flat roof, and 1.No heat pump on the upper roof to service the restaurant at basement and ground floors and the offices at upper floors. The number of heat pumps installed remains as approved, with 3No. heat pumps still to be installed.

A technical note was produced by Hann Tucker Associates on 22nd May 2023 to assess the noise implications of moving 1No. unit onto the roof. The report confirms that when measured from the nearest noise sensitive window, the plant is capable of achieving Westminster's noise requirements, and that further mitigation measures will not be required to ensure compliance.

Westminster's noise policies are therefore met (as per Condition 3) and there will be no unacceptable impacts in terms of noise of vibration to the nearest residential uses.

With regards to outlook and amenity, the heat pumps and enclosures have been positioned to avoid any windows on the rear elevation, ensuring that outlook remains acceptable from the office units. It was decided not to move the heat pump unit further back on the rear flat roof as this would position the plant in closer proximity to the residential properties along Colville Place. The new position will ensure there is no direct visibility of the rooftop plant from any windows on the application site, nor any adjacent sites due to the butterfly shape of the roof and obstructions from the parapet/access hatch.

Summary

This Section 73A application seeks to update the approved plans in the interest of proper planning to show the existing plant and acoustic mitigation for 3 of the 6 installed heat pumps in a revised configuration/size on the rear roof and upper roof of 27 Goodge Street. The changes are minor in nature and will continue to be acceptable on grounds of amenity and design as the heat pump has been moved to a visually inconspicuous position and the plant will meet acoustic noise standards.

This application therefore seeks to retrospectively amend the approved plans referenced by Condition 2 of planning permission 2022/3608/P in accordance with the amended condition wording above.

We trust you have sufficient information to determine this application positively; however should you require any further information please do not hesitate to contact the undersigned.

Yours faithfully

Ailish Collins

For and on behalf of
Rolfe Judd Planning Limited
26 September 2023