

Application ref: 2024/3471/P  
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Date: 24 October 2024

**Development Management**  
Regeneration and Planning  
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Cohanim Architecture  
207 Regent Street  
3rd Floor  
London  
W1B 3HH  
United Kingdom

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted**

Address:

**88A Cleveland Street  
London  
W1T 6NJ**

Proposal:

Installation of an A/C equipment to rear elevation.

Drawing Nos: Noise Impact Assessment Issue 01 dated 8 August 2024 prepared by DAA Group; Planning statement dated 20/08/2024 prepared by Cohanim Architecture; 405-01-A004-1; 405-01-A005-1; 405-01-A003-2; 405-01-A004-2; Site location plan.

The Council has considered your application and decided to grant permission subject to the following conditions:

Conditions and Reasons:

- 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 Issue 01 dated 8 August 2024 prepared by DAA Group; Planning statement dated 20/08/2024 prepared by Cohanim Architecture; 405-01-A004-1; 405-01-A005-1; 405-01-A003-2; 405-01-A004-2; Site location plan.

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

- 3 The external noise level emitted from plant, machinery or equipment at the development with specified noise mitigation hereby approved shall be lower than the typical existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with machinery operating at maximum capacity and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from mechanical installations/ equipment in accordance with the requirements of policies A1 and A4 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 ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

#### Informatives:

- 1 Reasons for granting permission:

The application unit is a commercial unit comprising a basement and a ground floor level located within Cleveland Court, a 5-storey red brick interwar mansion block with ground floor shops at the junction with Grafton Way. The unit was last used as a shoes shop and will be changed to a restaurant within the same use class. The building is not listed but within the Fitzroy Square Conservation Area.

The proposal would involve the installation of an air conditioning unit at the rear ground floor facing Fitzroy Mews. The proposed unit would be installed at the rear of the building and would have limited visual impact to streetscene and the public realm. Whilst the unit will be visible to the properties at 12 and 13 Fitzroy Mews, the unit is modest in size and will not be overly prominent. The unit will be installed between an existing window and the door and will not obscure any existing features of the premises. Given the unit's modest size, it is considered the overall resulting visual impact would be acceptable and would not adversely impact the appearance and character of the host building or the 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.

In terms of amenity, given the nature and scale of the proposed air conditioning unit, it is not considered to cause any adverse impacts on the amenity of adjoining residential occupiers in terms of loss of light, outlook or privacy. Two neighbour objections were received regarding potential noise impact to neighbouring properties at Fitzroy Mews.

Whilst it is noted there has been a recent enforcement record at the neighbouring premises at 86A-88 Cleveland Street, the unit concerned was unauthorised and was not subject to assessment under a formal planning application. As such, it would not be material to the planning considerations of the current application. The Council's Environmental Health Pollution Officer is satisfied that the submitted acoustic submission should meet Camden Local Plan 2017 guidelines. Therefore, the proposed air conditioning unit is considered acceptable on environmental health terms. Conditions of approval are proposed which would ensure the plant met noise and vibration criteria.

The applicant has demonstrated via a planning statement that the application site is constrained by limited openable fenestration that would make cross ventilation possible or expect a suitable level of passive stack ventilation. The glazing to the front elevation at ground floor is fixed and non-openable. Given the internal heat gains from cooking and occupants in a restaurant, active cooling is sought to address the risk of overheating within the unit. The applicant has confirmed in writing that all internal pipes will be lagged and consideration will be given for shading such as installing internal solar blinds to reduce active cooling demand. Overall, the proposed air conditioning for restaurant use is considered acceptable on sustainability terms as the applicant has sufficiently justified the need for it in accordance with the cooling hierarchy.

Based on the information available this permission will not require the approval of a Biodiversity Gain Plan before development is begun because it is below the de minimis threshold, meaning it does not impact an onsite priority habitat and impacts less than 25sqm of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of linear habitat.

- 2 Two neighbour objections regarding amenity, previous units within the street and land ownership were received following statutory consultation, these have been duly considered during assessment above. However, land ownership is a civil matter and will not constitute a material planning consideration. The relevant planning history of the application and neighbouring sites have been taken into account when coming to this decision.

As such, the proposed development is in general accordance with Policies A1, A4, D1, D2, CC1 and CC2 of the London Borough of Camden Local Plan 2017, the London Plan 2021 and the National Planning Policy Framework 2023.

- 3 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).
- 4 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.
- 5 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](http://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.

- 6 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 ("1990 Act") is that planning permission granted in England is subject to the condition ("the biodiversity gain condition") that development may not begin unless:
  - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
  - (b) the planning authority has approved the plan.

The local planning authority (LPA) that would approve any Biodiversity Gain Plan (BGP) (if required) is London Borough of Camden.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are summarised below.

Based on the information available, this will not require the approval of a BGP before development is begun because it is below the de minimis threshold (because it does not impact an onsite priority habitat AND impacts less than 25 square metres of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat).

7 + Irreplaceable habitat:

If the onsite habitat includes Irreplaceable Habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements. In addition to information about minimising adverse impacts on the habitat, the BGP must include information on compensation for any impact on the biodiversity of the irreplaceable habitat. The LPA can only approve a BGP if satisfied that the impact on the irreplaceable habitat is minimised and appropriate arrangements have been made for compensating for any impact which do not include the use of biodiversity credits.

++ The effect of section 73(2D) of the Town and Country Planning Act 1990  
If planning permission is granted under section 73, and a BGP was approved in relation to the previous planning permission ("the earlier BGP"), the earlier BGP may be regarded as approved for the purpose of discharging the biodiversity gain condition on this permission. It will be regarded as approved if the conditions attached (and so the permission granted) do not affect the post-development value of the onsite habitat, or any arrangements made to compensate irreplaceable habitat, as specified in the earlier BGP.

++ Phased development

In the case of phased development, the BGP will be required to be submitted to and approved by the LPA before development can begin (the overall plan), and before each phase of development can begin (phase plans). The modifications in respect of the biodiversity gain condition in phased development are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with the National Planning Policy Framework. The council publishes its adopted policies online, along with detailed Camden Planning Guidance. It also provides advice on the website for submitting applications and offers a pre-application advice service.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

If you submit an appeal against this decision you are now eligible to use the new [submission form](#) (Before you start - Appeal a planning decision - GOV.UK).

Yours faithfully



Daniel Pope

Chief Planning Officer