

London Borough of Camden
Regeneration and Planning
5 Pancras Square
London
N1C 4AG

05 March 2025

Dear Sir/Madam,

Town and Country Planning Act 1990 (As Amended)
154-156 Shaftesbury Avenue, London, WC2H 8JT
Full planning application for the replacement of 3No. AC condenser units at first floor flat roof level.

Planning Portal Reference: PP-13827118

On behalf of our client, Shaftesbury Covent Garden Ltd ('the Applicant'), we write in support of a full planning application for the replacement of 3No. AC condenser units at first floor flat roof level at 154-156 Shaftesbury Avenue, London, WC2H 8JT ('the Site').

In order to assist your consideration of the proposals, please find enclosed the following:

- / Application Forms – prepared by Rolfe Judd Planning;
- / Site Location Plan - prepared by Workman LLP;
- / Existing and Proposed Drawings – prepared by Workman LLP;
- / Environmental Noise Survey and Plant Noise Impact Assessment – prepared by Quinn Ross; and
- / Overheating Assessment – prepared by Quinn Ross Energy.

The requisite planning application fee has been paid online via the Planning Portal on the date of submission.

THE SITE & SURROUNDINGS

The Site is situated on the northern end of Shaftesbury Avenue and is comprised of a five-storey building with a basement level. At present, the ground and basement floors are in-use as a restaurant (Class E(b)), whilst the upper floors are in-use as residential premises. This application relates to the installation of AC condenser units at first floor flat roof level.

The Site is unlisted but is situated within the Seven Dials (Covent Garden) Conservation Area. The building is highlighted within the Seven Dials Conservation Area Appraisal (CAA) as a building which makes a positive contribution.

In terms of planning, the Site is subject to the following designations:

- / Central Activities Zone;
- / Seven Dials Conservation Area;
- / Seven Dials Central London Area;
- / Archaeological Priority Zone; and
- / Town Centre (adjacent).

PLANNING HISTORY

The relevant available planning history for the Site is outlined below:

PSX0005121/R1

The retention of three air conditioning units on flat roof of single storey building at the rear., in connection with the existing use of the ground floor and basement as a restaurant. (As shown on Site plan, Technical Specification Sheet, Indicative location plan and Photographs nos. RMW1, RMW2, RMW3, RKW4, RMW5, RKW6 & RMW7)
Approved, 06/03/2001

The above application facilitated the retention of three AC condenser units at first floor flat roof level. The associated condenser units were subsequently replaced with three smaller AC units, at an unknown date. This application seeks planning permission for the replacement of the now redundant existing units, with more energy efficient and quieter units.

THE PROPOSED DEVELOPMENT

This application seeks full planning permission for the replacement of 3No. AC condenser units at first floor flat roof level. The application will comprise the following works:

- / The removal and replacement of the existing x3 AC condenser units with:
 - 2x Mitsubishi Heavy Industries FDC125V A/C Condensers; and
 - 1x Mitsubishi PUHZ-RP71VHA4 A/C Condenser.

The proposed AC condenser units will be fixed onto the building's first floor flat roof and situated below the existing access gantry unit. This is the same position, and fixture as the existing AC condenser units.

PLANNING POLICY CONSIDERATIONS

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that planning applications be determined in accordance with the Development Plan unless material considerations indicated otherwise. The Development Plan for the London Borough of Camden comprises:

- / The London Plan 2021; and
- / The Camden Local Plan (2017)

The National Planning Policy Framework (NPPF) is a material consideration in all applications.

AMENITY

London Plan Policy D13 relates to the Agent of Change principle. The policy requires that new noise and nuisance generating development proposed close to residential and other noise-sensitive uses to put in place measures to mitigate and manage any noise impacts for neighbouring residents and businesses. Part D of the policy further states that development should manage noise and other potential nuisances by ensuring good design mitigates and minimises existing and potential impacts, and that mitigation measures are explored early in the design stage.

Local Plan Policy A1 (Managing the Impact of Development) highlights that the Council will seek to protect the quality of life of occupiers and neighbours. To do this, the Council will seek to ensure that the amenity of communities, occupiers and neighbours is protected and require mitigation measures where necessary. The policy states that the Council will consider the impacts of considerations including noise and vibration, odour, fumes, and dust.



Figure 1: Aerial Images of The Application Site (Source: Google Images)

The proposed AC units will be located at first floor flat roof level (highlighted in red, figure 1). The Site's locality is characterised by a mix of uses, with commercial units at ground floor level and offices and residential uses at the upper floors. The nearest residential window to the installation point is to the rear first floor of 150 Shaftesbury Avenue and is located 5.3 metres away.

Noise

London Plan Policy D14 (Noise) states that where it is not possible to achieve the separation of noise sensitive development and noise sources, then any potential adverse effects should be controlled and mitigated through applying good acoustic design principles.

Local Plan Policy A4 relates to noise and vibration, and states that the Council will seek to ensure that noise and vibration is controlled and managed. The policy further states that the Council will only grant permission for noise generating development, including any plant and machinery if it can be operated without causing

harm to amenity. This sentiment is reiterated with Section 6 of Camden's Amenity CPD which highlights that the Council will assess the impact of noise and vibration through the consideration of acoustic reports submitted by applicants, and that noise mitigation is expected to be incorporated into development at design stage.

This application proposes the replacement of the three existing AC condenser units, with three more efficient and quieter AC condensers. The supporting Environmental Noise Assessment prepared by Quinn Ross for the application sets out the results of the background noise surveys undertaken on-site. The report confirms that the proposed plant will meet the Council's noise limiting levels of 10db below background noise level and would not require any additional mitigation or enclosures.

The proposed condenser units therefore fully accord with the relevant noise criteria, as set out in local and strategic policy, and would be acceptable with regards to noise.

Outlook, Sense of Enclosure, and Daylight & Sunlight

Section 9 of the Council's Design CPD relates to building services equipment. Paragraph 9.14 states that where plant and machinery are required on the outside of a building, they must not obscure access to daylight and sunlight or provide any nuisance for occupants of the development or adjacent buildings.

The replacement AC units will be situated in the same position as the existing, albeit more efficient and quieter – the maintenance of this installation position will ensure that the proposed plant does not cause any adverse impacts on the outlook of the surrounding residential units. Further, the proposed plant would not negatively affect the daylight and sunlight levels at the nearest residential windows, especially in comparison to the existing situation at the Site.

COOLING HIERARCHY

Local Plan Policy CC2 (Adapting to Climate Change) requires all development to be resilient to climate change. The policy further states that development should incorporate appropriate climate change adaptation measures such as the application of the cooling hierarchy.

Supporting paragraph 8.42 states that *'active cooling (air conditioning) will only be permitted where dynamic thermal modelling demonstrates there is a clear need for it after all of the preferred measures are incorporated in line with the cooling hierarchy.'*

This application is supported by an Overheating Assessment prepared by Quinn Ross Energy. The assessment provides a review of the basement, and ground floor unit at the Site against the relevant national, regional, and local overheating guidance, and applies Dynamic Thermal Modelling. The assessment concludes that the Site would fail the relevant requirements within both a natural and mechanical ventilation scenario, and as such, requires air conditioning to achieve the appropriate thermal comfort levels.

The Applicant has considered the cooling hierarchy, in line with policy, and the proposals have been designed accordingly. As such, the proposals comply with Policy CC2 of the CLP and the Energy Efficiency and Adaptation CPD.

DESIGN & HERITAGE

London Plan Policy D3 (Optimising Site Capacity through the Design-led Approach) seeks for development proposals to enhance local context by delivering spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance, and shape with due regard to existing and emerging street hierarchy, building types, forms, and proportions. The policy further states that development should respond to the existing character of a place by identifying the special and valued features and characteristics that are

unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character.

Local Plan Policy D1 (Design) states that the Council will seek to secure high-quality design in development. The policy further states that the Council will require development to respect local character and context, as well as preserve and enhance the historic environment and heritage assets, in accordance with Local Plan Policy D2. Part O of the policy further states that the Council will require that development carefully integrates building services equipment.

Camden's Design CPD (5.14) states that a roof alteration or addition is likely to be unacceptable where the impact on adjoining properties both in terms of bulk and design and the amenity of neighbours would be detrimental. Where the CPD specifically relates to building services equipment (9.15), the CPD states that development must be given the same level of consideration and quality in design as other elements, must be integrated within the building or development structure or into the external building where it cannot be integrated within the building. Further (9.15), it states that plant and equipment should not be a dominant feature of the building.

Paragraph 207 of the NPPF states that "local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance."

London Plan Policy HC1 (Heritage Conservation and Growth) requires development proposals affecting heritage assets and their settings to conserve their significance by being sympathetic to the assets' significance and appreciation within their surroundings.

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

The Application Site is situated within the Seven Dials (Covent Garden) Conservation Area. This application relates solely to the first-floor flat roof at the Site and enclosed within the rear elevations of the properties fronting onto Shaftesbury Avenue and Earlham Street. As such, the scheme would not be visible from any public vantage points, nor would it have a detrimental impact on the buildings' setting and character within the Seven Dials Conservation Area. The proposal would not detract from any views in or out of the conservation area.

The scheme is therefore considered to accord with the policies outlined above with regard to heritage and design.

SUMMARY

This application seeks full planning permission for the replacement of 3No. AC condenser units at first floor flat roof level at 154-156 Shaftesbury Avenue, London, WC2H 8JT.

The replacement of the existing AC condensers at the Site will increase its environmental sustainability, operational efficiency, and thus in turn, its vitality and viability. As outlined within the assessment above, the proposed plant will be appropriately located so as not to cause any adverse impacts on the amenity of the nearby by residences and business, and the application scheme is considered to fully accord with the relevant planning policies relating to design, and heritage.

We trust that the submitted information is sufficient to validate the application, and we look forward to a swift and positive outcome. However, should you require any further information or would like to arrange a site visit, please do not hesitate to contact the undersigned.

Yours faithfully

Susan Kaweesa

For and on behalf of
Rolfe Judd Planning Limited