

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

24 March 2025

Dear Sir/Madam,

Town and Country Planning Act 1990 (As Amended)
15 Shorts Gardens / 2-3 Neals Yard, London, WC2H 9AT

Installation of 1x new Air Source Heat Pump (ASHP), replacement of the existing rooflight with a new flat roof incorporating a new access hatch, air intake and extract fan openings at first floor roof level
Planning Portal Reference: PP-13728082

On behalf of our client, Shaftesbury Covent Garden Ltd ('the Applicant'), we write in support of a full planning application for the Installation of 1x new Air Source Heat Pump (ASHP), replacement of the existing rooflight with a new flat roof incorporating a new access hatch, air intake and extract fan openings at first floor roof level at 15 Shorts Gardens / 2-3 Neals Yard, London, WC2H 9AT ('the Site'). In order to assist your consideration of the proposed development, please find enclosed the following:

- / Application Forms – prepared by Rolfe Judd Planning;
- / Site Location Plan – prepared by Fresson and Tee;
- / Existing and Proposed Drawings – prepared by Fresson and Tee;
- / Environmental Noise Survey and Plant Noise Assessment Report – prepared by Hann Tucker Associates;
- / Overheating Assessment – prepared by NRG Consulting; and
- / Camden Cooling Hierarchy Commentary Report and Covering Letter – prepared by BSEC Design.

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

THE SITE & SURROUNDINGS

The Application Site is situated in Seven Dials and has dual frontage to both Shorts Gardens to the south and Neal's Yard to the north. The Site comprises ground and basement floors across two properties; 15 Shorts

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Gardens/2 Neal's Yard (previously amalgamated at ground floor) and 3 Neal's Yard. 15 Shorts Gardens is a six-storey terraced building on the northern side of Shorts Gardens, with residential uses on the upper floors. 2 Neal's Yard (formerly referred to as '2 Neal's Yard (West)') is a four-storey building with commercial floorspace within the roof space and 3 Neal's Yard is a three-storey terrace building, both of which front Neal's Yard to the north.

The Site is unlisted but is situated within the Seven Dials Conservation Area. 15 Shorts Gardens is highlighted as a positive contributor and a Shopfront of Merit within the Conservation Area Appraisal.

At present, Neal's Yard comprises a successful mix of uses, with predominantly retail and food activities at ground floor level, with commercial and residential properties at the upper floors. Located centrally between the buildings at 15 Shorts Gardens and 2 Neal's Yard is a rear flat roof/lightwell at first floor level, which is the subject of this planning application.

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

- / Central Activities Zone;
- / Seven Dials Central London Area; and
- / Archaeological Priority Zone.

PLANNING HISTORY

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

2014/5262/P

Erection of extract duct to the rear elevation

Approved, 24th November 2014

2017/1655/P

Installation of enclosure around existing duct at the rear elevation

Approved, 7th August 2017

2016/4378/P

Change of use of the ground floor from retail (Class A1) to hot food takeaway (Class A5) use.

Approved, 9th August 2018

2022/4279/P

Formation of access hatch and balustrade on Shorts Gardens facing elevation of rear building and an access hatch to the rooflight of the single storey element (both for maintenance purposes)

Approved, 18th November 2022

It is noted that the unit at 2 Neal's Yard (West) was never occupied or traded as a hot food takeaway use (under planning permission 2016/4378/P), and thus the ground floor unit remains in lawful Class E use.

THE APPLICATION SCHEME

This planning application seeks full planning permission for Installation of 1x new Air Source Heat Pump (ASHP), replacement of the existing rooflight with a new flat roof incorporating a new access hatch, air intake and extract

fan openings at first floor roof level in association with the proposed use of the Site as a Restaurant (Class E). The application scheme will comprise the following works:

- / The removal and replacement of the existing rooflight with a new mono-pitch rooflight featuring openable ventilation panels;
- / The infilling of the existing rooflight opening with new area of flat roof;
- / The alteration of the existing duct access guarding;
- / New air intake opening;
- / New access hatch for maintenance access;
- / New extract fan; and
- / The installation of 1x Air Source Heat Pump (ASHP) within an acoustic enclosure.

In addition to the above, the application proposes the amalgamation of the units at 15 Shorts Gardens/2 Neal's Yard and 3 Neal's Yard. However, as these works are internal, they do not require planning permission and are excluded from the application scheme.

Further detail on the proposed development is contained within the drawing pack prepared by Fresson & Tee.

PLANNING POLICY CONSIDERATIONS

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that planning applications are 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 (Agent of Change) requires development proposals to manage noise and other potential nuisances by ensuring that good design mitigates and minimises existing and potential nuisances generated by existing uses and activities and exploring mitigation measures early in the design stage.

In line with this, 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.

The proposed development would be situated within the lightwell/flat roof area in between 15 Shorts Gardens and 2 Neals Yard (marked in red in Figure 1). The adjacent windows to the north are the associated treatment

rooms for Neal's Yard Remedies (2 Neal's Yard), and the windows to the south are residential windows associated with the upper floors of 15 Shorts Gardens.

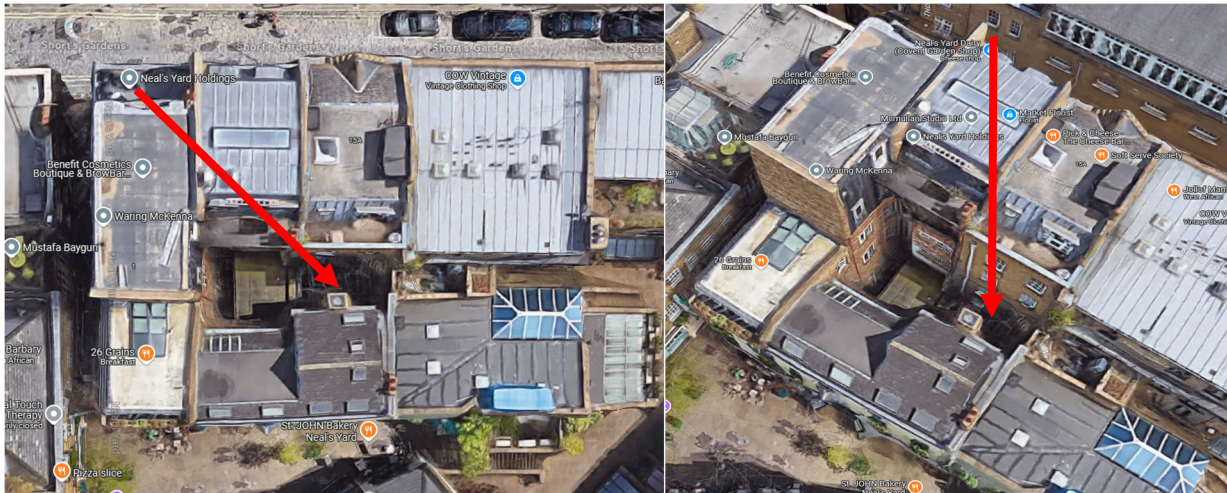


Figure 1: Aerial Images of The Application Site (Source: Google Images)

Noise

London Plan Policy D14 relates to noise. The policy 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 (Noise and Vibration) states that the Council will seek to ensure that noise and vibration is controlled and managed and further states that the Council will only grant permission for noise generating development including any plant or machinery if it can be operated without causing harm to amenity. This sentiment is reiterated within Camden's Amenity SPD (6), which states 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 is supported by an Environmental Noise Survey and Plant Noise Assessment Report prepared by Hann Tucker Associates. The Report sets out the results of surveys that were undertaken on-site, which establish the minimum background noise level. In line with the Local Plan, a Noise Rating Level (NRL) of 10dB below background noise level has been established as the limit. In this case, the minimum background noise level was measured as 50dB at the nearest noise sensitive receptor (first floor of 15 Shorts gardens), thereby setting the maximum NRL as 40dB.

The application proposes a T8 Environ enclosure around the Air Source Heat Pump (ASHP), which is confirmed within the assessment to comprise sufficient mitigation to comply with the maximum NRL. Whilst the details of the tenant's extract fan have not yet been confirmed, the plant will be selected and attenuated such that the limiting sound pressure levels presented in Nosie Report are achieved. An appropriately worded condition will be accepted to this effect. The Report further outlines that in accordance with the relevant noise criteria, and the proposed mitigation measures, the development will meet the required limiting noise levels.

It should be noted that the existing double-pitch rooflight features openable ventilation panels which are occasionally used for cooling. The application proposes the replacement of these openable panels within the new mono-pitch rooflight and will not introduce any new openings. The introduction of a new ASHP at first floor level will assist in controlling the internal temperature of the unit at ground and basement level, which will reduce

the level of dependency and reliance on these openable panels for ventilation and in-turn reduce the overall noise impacts in comparison to the existing situation.

As such, the proposals will ensure compliance with the relevant noise criteria set out within the Local Plan. The proposals are therefore acceptable in noise and amenity terms and will comply with the relevant policies stated above.

Outlook, Sense of Enclosure, and Daylight & Sunlight

Camden's Design SPD (9.14) states that where ducting, 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 proposed plant has been sited so as not to cause any adverse impacts on the amenity of the nearest adjacent residential occupiers (located at the first floor of 15 Shorts Gardens). The rooflight will be reconfigured with a mono-pitch to ensure that the new plant and openings associated with the ground floor restaurant are largely screened from view, to maintain an open outlook with limited clutter. As the lightwell is a relatively confined space with limited sunlight admission to existing windows, the siting of the proposed plant has been carefully located to comply with the '45-degree rule' to ensure there is no impact on daylight admission into these windows compared to the existing situation.

The windows directly abutting the proposed plant (north) are commercial in nature and currently serve the Neal's Yard Remedies treatment rooms. As such, the proposed plant would not obscure the outlook from residential windows.

Overall, the proposals have been carefully considered to avoid any impact on outlook or sense of enclosure to the residential properties, and the plant will be setback against the rear wall to ensure that there is no impact on daylight/sunlight admission.

Odour

The proposed development would not cause any nuisance via odour. The proposed extract fan will be used for ventilation purposes, whilst the ASHP unit would not cause any odour through its use. There is already an existing duct at the Site (approved under application ref. 2017/1655/P), which is enclosed in brick, and terminates above roof level – this duct would service any restaurant operation at the Site.

The development proposals have been carefully designed and mitigated and would fully align with the planning policies outlined above. They would not negatively impact the amenity of the adjacent occupiers, nor any undue nuisance.

Cooling Hierarchy

Policy CC2 (Adapting to Climate Change) of the Local Plan 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*'.

For the restaurant space, heat gains are anticipated to be high, therefore requiring active cooling to meet peak summer conditions. An ASHP will therefore be installed to facilitate this cooling and will allow the space to be suitable for use by incoming tenants and their customers.

Dynamic Thermal Modelling has been undertaken for the Site, and an Overheating Assessment has been submitted in support of the application. The assessment has been prepared in consideration of the cooling hierarchy and confirms that passive design measures, including the use of openable windows within the shopfront on both the Shorts Gardens and Neal's Yard elevations are insufficient to alleviate the risk of overheating at the Site. Other passive measures, such as the use of blinds would not be appropriate for the unit due to the Site's location within a Primary Shopping Frontage, and the use of ceiling fans would simply move the air around and would not sufficiently cool the unit during the summer months. As the proposals retain the fabric of the existing building, there are limited opportunities to provide 'lean' measures, and make changes such as an increasing ceiling heights. A full assessment against the cooling hierarchy has been provided in the Cooling Hierarchy Commentary Report prepared by BSEC Design which sets out the feasibility of alternative passive measures which should be read alongside the Overheating Assessment.

The proposed ASHP will ensure the restaurant use is adequately cooled, avoiding the use of fossil fuels. The proposed ASHP would provide space heating and would utilise the same system in reverse to provide cooling in warmer times. The proposals are therefore considered sustainable in line with Policy CC2 of the CLP.

Design and 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 relates to design, and states that the Council will seek to secure high quality design in development and require that development respects local character and context. The policy further states that development will be required to preserve and enhance the historic environment and heritage assets, in accordance with Local Plan Policy D2.

Camden's Design SPD (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 SPD specifically relates to building services equipment (9.15), the SPD 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.

It is noted that the Application Site is situated within the Seven Dials Conservation Area. The development proposals are all situated at first floor flat roof level, located between the buildings at 15 Shorts Gardens and 2 Neal's Yard. The proposed plant would not be visible from any public vantage points, and as such, would not have a detrimental impact on the buildings' setting and character within the Seven Dials Conservation Area, nor would it detract from any local views. The mono-pitch rooflight has been sensitively designed to ensure that it is largely in keeping with the existing building and is of similar design and materiality to the existing rooflight.

As a result of the proposed equipment being situated in sympathetic locations with limited visibility, it is considered that the proposal will fully accord with the policies outlined above.

SUMMARY

This application seeks full planning permission for the Installation of 1x new Air Source Heat Pump (ASHP), replacement of the existing rooflight with a new flat roof incorporating a new access hatch, air intake and extract fan openings at first floor roof level at 15 Shorts Gardens / 2-3 Neals Yard, London, WC2H 9AT ('the Site').

The installation and reconfiguration of new plant at the Site will in-turn increase its functionality and vitality, enhancing the local economy, and contributing towards the creation of mixed and inclusive spaces. As outlined above, the proposed plant will be appropriately located and designed to ensure that the relevant design, heritage, and amenity considerations are adhered to, in accordance with extant planning policies.

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