

Application ref: 2025/0512/P
Contact: Sarah White
Tel: 020 7974 5213
Email: sarah.white@camden.gov.uk
Date: 29 April 2025

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

Rolfe Judd Planning
Old Church Court
Claylands Road
London
SW8 1NZ

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
27 Shorts Gardens
London
WC2H 9AP

Proposal: Installation of 1 air conditioning condenser unit and associated external cabling (retrospective), and installation of new acoustic enclosure to the rear of 7-8 Matthew's Yard

Drawing Nos: Plans: A-001-P2; A-300-P2; A-301-P2; A-302-P1; A-310-P2; A-311-P2; A-312-P1A-320-P2; A-321-P2; A-322-P1

Supporting documents: 24 Hour Environmental Noise Assessment Ref: CPT/301124/010 (prepared by Quinn Ross Consultants, dated 30 November 2024); Cover Letter (prepared by Rolfe Judd Planning, dated 10 February 2025); Cooling Hierarchy Cover Letter (prepared by BSEC Design Ltd, dated 10 February, 2025); Cooling Hierarchy Commentary (prepared by BSEC Design Ltd, dated January, 2025); Heat Pumo Outdoor Unit Product Sheet for FDC121KXZEN1 (Mitsubishi).

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 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:

A-001-P2; A-300-P2; A-301-P2; A-302-P1; A-310-P2; A-311-P2; A-312-P1A-320-P2; A-321-P2; A-322-P1; 24 Hour Environmental Noise Assessment Ref: CPT/301124/010 (prepared by Quinn Ross Consultants, dated 30 November 2024); Cover Letter (prepared by Rolfe Judd Planning, dated 10 February 2025); Cooling Hierarchy Cover Letter (prepared by BSEC Design Ltd, dated 10 February, 2025); Cooling Hierarchy Commentary (prepared by BSEC Design Ltd, dated January, 2025); Heat Pumo Outdoor Unit Product Sheet for FDC121KXZEN1 (Mitsubishi).

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

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.

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

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 5 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 safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission-

The application site is located on the northwestern side of Shorts Gardens at

No. 27 and comprise a 4-storey building separated from No. 29 Shorts Gardens by the access route into Mathew's Yard to the north. The basement and ground floors are in commercial use (Class E) whilst the upper floors are in use as residential dwellings (Class C3). The site is located within the Seven Dials (Covent Garden) Conservation Area.

The air conditioning unit and associated cabling on the ground floor rear elevation of the commercial building at No. 29 Shorts Gardens, which fronts onto the rear elevation of properties in Mathew's Yard was installed in 01/10/2024 without the benefit of planning permission. The air conditioning use is associated with the commercial unit at No. 27 Shorts Gardens. This application has been submitted to regularise the works so permission is therefore being sought retrospectively for these elements of the works. Permission is also being sought to revise the location of the association external cabling and to install a new acoustic enclosure around the unit.

Given the location of the unit to the rear of the property within Matthews Yard and its location at ground floor level, it is not visible from the public realm. The unit sits adjacent to other existing plant associated with adjoining commercial units and does not appear out of character in this location. The proposed acoustic enclosure would be modest in size and would not adversely impact the character or appearance of the host property. The existing cabling is proposed to be relocated to behind the existing arch to reduce its visibility and this is supported. Overall, the proposal would preserve the character and appearance of the building and the conservation area. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

The applicant has submitted an assessment against the cooling hierarchy as required under the CPG Energy efficiency and adaptation (2021) and Policy CC2 of the Camden Local Plan (2017). The cooling hierarchy confirms that in order to minimise the need for active cooling, various energy efficiency and passive design measures, as well as the use of mechanical ventilation, have been employed in the property to minimise and manage the amount of heat in the dwelling. Despite these measures, the assessment shows that the passive design steps outlined in the cooling hierarchy are not sufficient to mitigate the risk of overheating. Therefore, the use of active cooling to provide comfort to the occupants of the commercial unit is considered appropriate in this instance.

The closest residential property windows are those on the first-floor residential apartment opening onto Matthews Yard and located immediately above the proposed AC unit. A noise impact assessment has been submitted and reviewed by the Council's Environmental Health Officer who consider the scheme acceptable, subject to two compliance conditions to ensure the AC unit is designed as specified in the submitted acoustic assessment report. As such, the proposal would not result in unacceptable noise disturbance to adjoining occupiers.

No objections have been received following statutory consultation. The site's planning history has been taken into account when coming to this decision.

As such, the proposal is in general accordance with policies A1, D1, D2, CC1 and CC2 of the Camden Local Plan 2017, the London Plan 2021, and the National Planning Policy Framework 2024.

- 2 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.
- 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 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) 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.

- 5 Biodiversity Net Gain (BNG) Informative (1/2):
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, but you should check the legislation yourself and ensure you meet the statutory requirements.

Based on the information provided, this will not require the approval of a BGP before development is begun because it is below the de minimis threshold.

++ Summary of transitional arrangements and exemptions for biodiversity gain condition

The following are provided for information and may not apply to this permission:

1. The planning application was made before 12 February 2024.
2. The planning permission is retrospective.
3. The planning permission was granted under section 73 of the Town and Country Planning Act 1990 and the original (parent) planning permission was made or granted before 12 February 2024.
4. The permission is exempt because of one or more of the reasons below:
 - It is not "major development" and the application was made or granted before 2 April 2024, or planning permission is granted under section 73 and the original (parent) permission was made or granted before 2 April 2024.
 - 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).
 - The application is a Householder Application.
 - It is for development of a "Biodiversity Gain Site".
 - It is Self and Custom Build Development (for no more than 9 dwellings on a site no larger than 0.5 hectares and consists exclusively of dwellings which are Self-Build or Custom Housebuilding).
 - It forms part of, or is ancillary to, the high-speed railway transport network (High Speed 2).

6 Biodiversity Net Gain (BNG) Informative (2/2):

+ 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 both the post-development value of the onsite habitat and 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

A handwritten signature in black ink, appearing to read 'DPope', is positioned above the printed name and title of the signatory.

Daniel Pope
Chief Planning Officer