

5 June 2015

Development Management
London Borough of Camden
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Our reference: I-nm-cl-290515
Planning Portal reference: PP-04232086

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
APPLICATION FOR A NON-MATERIAL AMENDMENT FOLLOWING A GRANT OF PERMISSION
235 HIGH HOLBORN, LONDON, WC1V 7DN

We are instructed by Avison Young on behalf of Gloucester Investments Ltd to submit a planning application for a non-material amendment under Section 96A of the Town and Country Planning Act (TCPA) 1990 (as amended) to planning permission 2014/7089/P in respect of minor alterations to the roof of the above property.

This application has been submitted via the planning portal (ref: PP-04232086) and comprises:

- This Cover Letter
- Completed Application Form, Certificate A and Agricultural Holdings Certificate
- [REDACTED]
- Plant Noise Assessment, April 2015 (RBA Acoustics)
- Specification Sheet – details of new condenser units
- Drawings as follows:

Drawing Ref	Drawing Title	Scale
R.MH.01 Rev. 4	Proposed Roof Layout Plan Roof Level	1:50 @ A1
R.MH.02 Rev. 1	Proposed Roof Equipment Roof Level	1:50 @ A1

Background

The property comprises basement, ground and 1st to 6th floors with plant located on the roof. Two retail units are located on the ground floor and are occupied by Itsu and Scribbler. The upper floors were in use as offices, but were vacated on 1 October 2014. The offices are currently being refurbished and upgraded prior to being taken to the market. As part of this refurbishment it is proposed to upgrade the roof plant, which serves the offices and has been in operation for over 16 years.

Planning permission was granted on 22 January 2015 (app ref: 2014/7089/P) for the 'Installation of 7 x new AC condensers, new AHU units with associated works and pipework at roof level. Replacement of entrance doors

and canopy to the ground floor on the front facade of the building'. This application seeks to make an amendment to this permission in respect of minor alterations to the roof plant, as described below.

Planning permission was granted on 1 October 1998 for the "*erection of rear extension at sixth floor, installation of roof top plant and erection of canopy over office entrance*" (app ref: PS9804026R3). On 6 July 1999 planning permission was granted for the change of use from Class D1 (education) to B1 offices uses (app ref: PS9904500).

Proposal

The proposed amendments to the approved scheme are as follows:

- A revised layout of the air conditioning condenser units including a reduction in the number of units from 7 to 6 units
- Air Handling Unit (AHU) Condenser unit to be relocated to sit beside the floor condensers
- Minor layout changes to the ventilation including a new toilet exhaust terminal and new intake louvre
- Removal of the reception condenser (now to be sited internally)

The proposed locations and technical details for these units are detailed on plan, R.MH.01 Rev. 4 (Proposed Roof Layout Plan).

Planning Context

In assessing and determining development proposals, the National Planning Policy Framework (March 2012) states that local planning authorities should apply a presumption in favor of sustainable development. Where development proposals accord with up-to-date development plan policies they should be approved without delay.

Planning Practice Guidance states that issues may arise after planning permission has been granted, which require modification of the approved proposals. Where less substantial changes are proposed to an approved application, a non-material amendment application can be made in order to amend a proposal that has planning permission. This section 96A application seeks a non-material amendment to permission 2014/7089/P on the basis that the amendments proposed are not material in context of the overall scheme. There is no statutory definition of a 'non-material amendment'.

The development comprises the London Plan (consolidated with alterations since 2011, March 2015), Camden Core Strategy (2010) and Camden Development Policies (2010). The property has the following designations on Camden's Planning Policy Map:

- Archaeological Priority Area
- Central London Frontage
- Central London Area (Clear Zone Region)
- Bloomsbury Conservation Area
- Holborn Growth Area

The following Camden Council Core Strategy (2010) and Development Plan Policies are also relevant:

- DP22 Promoting Sustainable Design and Construction
- DP28 Noise and Vibration

Planning Analysis

This application seeks consent to install a different make of air conditioning units to that which was specified in the original planning permission and drawings. The replacement of the units would not constitute 'development' as defined within Section 55 of the TCPA 1990, as whilst the works are an engineering operation they would

not '...materially affect the external appearance of the building'. However, Condition 3 of planning permission 2014/7089/P states that the proposal must be built in accordance with the approved plans and therefore the permission requires amendment in order to be built in accordance with the Planning permission.

Section 96A of the TCPA gives the Council the power to grant changes to approved planning permissions if it is satisfied that the proposed change is not material in the context of the overall scheme. The result of the measurements of the existing background noise levels at 235 High Holborn have been used in order to determine the required criteria for atmospheric noise emissions from the replacement plant installations (Section 7.0 – Conclusion). The results indicate that the plant is within the noise level criteria required by the London Borough of Camden (DP28) to allow for 24 hour operation.

Camden Council's noise emission standards for plants and machinery, as predicted at a location one meter outside the sensitive façade of a premises, is to be 10 dB(A) below the lowest measures background value (LA90). This standard of 10 dB(A) is imposed for noise that has a distinguishable discreet continuous note. Details of the noise levels for each of the equipment are provided on drawing ref: R.MH.02 Rev. 1, and within the Noise Report, which shows compliance with the Councils requirements.

In addition, there will also be a reduction in the number of air conditioning condenser units from 7 to 6. The air conditioning units themselves will be 35mm taller than those originally approved but there will be a significant reduction in the footprint of the units, in particular the total length has reduced from 9.8m to 7.4m. This is due to the way in which the units were originally arranged and now been consolidated. Further, there will be the removal of two units, which currently sit near the front façade of the property. One condenser unit is proposed to be moved internally and one AHU condenser unit is proposed to be relocated and grouped with the other condenser units.

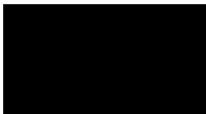
The siting and consolidation of the plant on the roof of the property alongside other existing external mechanical plant ensures that the visual impact of the plant is minimized and will not be visible from the street. Therefore, there is no adverse impact on the character and appearance of the Bloomsbury Conservation Area and no harm to the heritage asset in the context of the NPPF and Development Plan Policy.

Conclusion

There has been no material change in development plan policy since the original consent was granted that would result in a different planning approach to the proposed development. The proposed changes to the scheme is viewed to be an enhancement to the approved roof plant and will not have any negative impacts to the surrounding area, and are not considered to be a material amendment.

We trust you have all the necessary information to register, validate and determine the application. However, please contact me should you have any queries.

Yours faithfully,



Henrik Dorbeck

For and on behalf of Porta Planning LLP