

Miss Emma Thorpe  
JLL  
30 Warwick Street  
London  
W1B 5NH

Application Ref: **2015/4287/P**  
Please ask for: **Nanayaa Ampoma**  
Telephone: 020 7974 **2188**

3 November 2015

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Variation or Removal of Condition(s) Granted**

Address:  
**100 New Oxford Street**  
**London**  
**WC1A 1HB**

Proposal: Variation of condition 3 (approved plans) of planning permission 2014/5205/P dated 24/12/2014 (for the change of use of the ground floor from B1(a) offices to 2 x A1(shops) at 94-96 and 1 x Class A3 (restaurants and cafes) at 90-92, including basement and shopfront alterations) namely for the addition of a roof riser and fan filter unit.

Drawing Nos:

Superseded: Bainbridge street elevations EL-PR-02 Rev 2

Proposed: Noise Assessment by Sound Analysis, EL-01-PL, EL-01-EX and Shake Shake roof drawing

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

Condition(s) and Reason(s):



- 1 For the purposes of this decision, condition no.3 of planning permission 2014/5205/P shall be replaced with the following condition:

The development hereby permitted shall be carried out in accordance with the following approved plans- OS Plan GA-EX-01, Basement plan proposed GA-BA-01 Rev 5 (dated 24/11/2014), Basement plan existing GA-BA-EX, Ground floor proposed plan GA-00-01 Rev 5, Existing ground floor layout GA-EX-02, Retail entrance sections EX-01-01, Planning Statement, Front and rear elevations EL-EX-01, Front elevations proposed EL-PR-01 Rev 1, BSRF(40)1001, BSRF(40)1001EX, Proposed ventilation drawing, approved ventilation drawing, Noise Assessment by Sound Analysis, EL-01-PL, EL-01-EX and Shake Shake roof drawing

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

- 2 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

#### Informative(s):

- 1 The application seeks permission for a minor material amendment to replace the existing ventilation riser at roof level and insert a new fan filter unit. Unlike the current riser, the proposed riser and fan unit would not be visible at street level because it is set further within the roof. The units would only be visible when standing at roof level.

The property is within the Bloomsbury Conservation Area, however as described above, given the position of the unit together with the height of the building, it would not be possible to view the development from any street vantage point. As such the development would not have a harmful impact on the character of the property or the roofscape or Conservation Area.

The Environmental Health Officer has confirmed that the new unit would not significantly add to the current noise levels or fumes in the area. As such, subject to a condition, is compliant with policy.

Due to the position of the riser there are no amenity concerns to neighbouring

occupiers in terms of loss of privacy, outlook or daylight and sunlight.

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

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 Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

In light of the above, the proposed development is in general accordance with policies CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24, DP25, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with policies 7.4 and 7.6 of The London Plan 2015, consolidated with alterations since 2011 and paragraphs 56-61 and 126-128 of the National Planning Policy Framework.

- 2 You are advised that this decision relates only to the proposed riser at roof level and shall only be read in the context of the substantive permission granted on 24/12/2014 under reference number 2014/5205/P and is bound by all other conditions attached to that permission.
- 3 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions (and obligations where applicable) as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully



Ed Watson  
Director of Culture & Environment