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Application Ref: **2015/6443/P**  
Please ask for: **Matthias Gentet**  
Telephone: 020 7974 **5961**

1 February 2016

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted**

Address:  
**McDonald's**  
**24 Cambridge Circus**  
**London**  
**WC2H 8AA**

#### **Proposal:**

Retention of an air intake attenuator at rear ground floor level above access stairs, capping of former vent ducts and insertion of 3x vent grills to lightwell in connection with restaurant (Class A3).

Drawing Nos: Design and Access Statement (November 2015); 11 x Photos; AirCraft AHU Technical Details; Noise Report (Revised - dated 11/12/2015); Site Location Plan; CD6136; CAM 6961 M 1004.

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  
Director of Culture & Environment



Country Planning Act 1990 (as amended).

- 2 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 CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans Design and Access Statement (November 2015); 11 x Photos; AirCraft AHU Technical Details; Noise Report (Revised - dated 11/12/2015); Site Location Plan; CD6136; CAM 6961 M 1004.

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

- 4 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.

- 5 The air intake attenuator hereby approved shall only to operate during the opening hours of the commercial unit and shall not operate between 1.00am, and 6.00am.

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 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which 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, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).

- 2 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 are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

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

Director of Culture & Environment

DECISION

<b>Delegated Report</b> <b>(Members Briefing)</b>		Analysis sheet		Expiry Date:	18/01/2016
		N/A / attached		Consultation Expiry Date:	17/12/2015
Officer			Application Number(s)		
Matthias Gentet			2015/6443/P		
Application Address			Drawing Numbers		
McDonald's 24 Cambridge Circus London WC2H 8AA			Design and Access Statement (November 2015); 11 x Photos; AirCraft AHU Technical Details; Noise Report (Revised - dated 11/12/2015); Site Location Plan; CD6136; CAM 6961 M 1004.		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
<b>Proposal(s)</b>  Retention of an air intake attenuator at rear ground floor level above access stairs, capping of former vent ducts and insertion of 3x vent grills to lightwell in connection with restaurant (Class A3).					
Recommendation(s):		Grant Planning Permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	52	No. of responses	01	No. of objections	01
Summary of consultation responses:	<p>The statutory consultations were carried out in the form of consultation letters to the relevant parties (expiry date: 14/12/2015), a Site Notice (erected on 25/11/2015 and expiring on 16/12/2015) and a Press Advert (published on 26/11/2015 and expiring on 17/12/2015).</p> <p>An objection from Flat 1, Trentishoe Mansions, 90 Charing Cross Road, LONDON, WC1H 0JE was received, summarised as follow:</p> <ul style="list-style-type: none"><li>o McDonalds is harassing residents;</li><li>o The lightwell is my front window view looking out daily to an already ugly view and where I let fresh air come into the flat;</li><li>o Will hold Camden Council responsible if illness befall my family if filthy air comes into the flat;</li><li>o McDonald lied about no residents above the restaurant and they are trying to sneak chimney and air extractor through;</li><li>o It isn't a crime to lie on planning applications as long as you are a multi-million pound corporation like McDonalds. The Council kow tow to them and screw the residents;</li><li>o Approved opening hours up to 1am with now numerous drug addicts hanging and sitting in our alcove;</li><li>o Wish you and your family are exposed to the same dangers and health risks;</li><li>o Desperate to ask the Council for help to get rid of McDonalds.</li></ul> <p>1.1 <u>Officer's Response:</u></p> <p>1.11 The proposal is for the retention of an air intake attenuator which is located right above the back door to McDonald, giving access to the internal lightwell. There are already numerous A/C units and such other plant machinery within the lightwell</p> <p>1.12 The proposal is for the retention of an air intake duct (attenuator) and 3x grilles, not a flue or any other type of extractor so there would be no issue with smells or fumes expelling into the lightwell.</p> <p>1.13 The application put forward by McDonald is legitimate and is done so to address a planning breach whereby the air intake unit was put in place prior to the relevant and obligatory planning grant.</p> <p>1.14 A Noise Report has been submitted, assessed by the Pollution Team officer and was originally found to be unsatisfactory. However, following clarification from the agent and the acoustic Consultant, the Pollution officer accepts the findings of the Noise Report with a condition attached to the decision for the operation of the unit to McDonalds' opening hours only.</p>					
Local groups comments: Covent Garden Community Association	<p>An objection from the Covent Garden Community Association has been received, as follow:</p> <p><i>The noise report submitted by the applicant is significantly flawed. It does not include the required measurements, instead relying on the consultant's subjective hearing. (The report says, "Subjectively I could not hear any noise contribution from the McDonald's plant" – see page 5). Additionally, the noise report relies on a current configuration of plant and equipment that is operating either without planning permission or without proper maintenance. Thus, establishing a baseline background level with the existing (unpermitted) equipment is wrong. Further, the noise report says that the plant and equipment will operate until 23:00, however the applicant is currently seeking a license to operate the premises until 1 am, at which time the other equipment in the lightwell will have ceased operating. In this case the applicant's equipment will add to background noise and will therefore cause</i></p>					

*harm to residents.*

2.1 Officer's Response:

2.11 Please refer to paragraph 1.14 and 1.15 of the above Officer's Response to the adjacent neighbour's objections.

## Site Description

The application site is 4-storey plus mansard building located at the corner of Shaftesbury Avenue and Charing Cross Road, at the boundary with the borough of Westminster. The site houses a restaurant (McDonalds) at ground floor and basement level and non-residential and/or offices at upper levels. Neighbouring the site is no. 90 Charing Cross Road which comprises commercial uses at ground floor level with 6x floors of residential above.

The site lies on the edge of the Seven Dials Conservation Area and is noted to make an important contribution to the character and appearance of the conservation area.

## Relevant History

### Site Address:

2014/6633/P – (granted on 26/02/2015) - Installation of 11 condensers and a kitchen extract at roof level with associated ducting and acoustic screening.

2014/6408/P – (granted on 27/01/2015) - Alterations to shopfront including new entrance to Charing Cross Road and replacement windows, doors, stall risers and awnings to Cambridge Circus, Charing Cross Road and Shaftesbury Avenue elevations.

2014/5157/P – (granted on 17/02/2015) - Variation of hours of operation in relation to condition 3 of 2014/3237/P for; change of use of basement and ground floors from restaurant to mixed use restaurant and takeaway. Current hours; Sunday to Wednesday: 0800 - 0000hrs & Thursday to Saturday: 0800 - 0100hrs Proposed hours: Sunday - Wednesday 07:00 to 00:00 and Thursday - Saturday 07:00 - 01:00 (Amended description).

2014/3237/P – (granted on 01/07/2014) - Change of use of ground floor and basement from restaurant (Class A3) to a mixed restaurant/ takeaway service (Class A3/A5).

### Adjacent Sites:

2013/3495/P – (granted on 05/08/2013) - Installation of five air conditioning units at first floor level housed within acoustic enclosure and installation of new full-height extract duct to rear elevation - 142 Shaftesbury Avenue;

2010/6407/P – (granted on 14/01/2011) - Installation of x 6 condensing units to 7th floor roof space of existing office building (Class B1) - 125 Shaftesbury Avenue;

2006/0314/P – (granted on 30/03/2006) - Installation of 1x new air conditioning unit adjacent to 6x existing units at 7th floor roof level - 125 Shaftesbury Avenue;

2004/5140/P – (granted on 11/03/2005) - The installation of 5x condensor units and 1x satellite dish on the 7th floor roof space - 125 Shaftesbury Avenue;

2003/0472/P – (granted on 27/08/2003) - Siting of 6 external Air-Conditioning Condensor Units on first floor flat roof within fenced enclosure - 125 Shaftesbury Avenue;

## Relevant policies

### **LDF Core Strategy and Development Policies**

#### **Core Strategy Policies**

CS5 – Managing the impact of growth

CS14 – Promoting high quality places and conserving our heritage

#### **Development Policies**

DP24 – Securing high quality design

DP25 – Conserving Camden's Heritage

DP26 – Managing the impact of development on occupiers and neighbours

DP28 - Noise and Vibration

## **Assessment**

### **1. Proposal**

1.1 Planning permission is sought for the following:

1.2 The retention of an air intake attenuator at ground floor level above access stairs, capping of 2x former vent ducts at basement level, and the insertion of and 3x small vent grills at ground and basement level. All development is proposed to serve McDonald's restaurant and is located in the rear lightwell.

1.3 An application was approved in 2014 for roof top plant (ref: 2014/6633/P). Due to the size of the internal ductwork, additional units were required for the back of the house area.

1.4 An air intake attenuator was originally installed but deemed to be unacceptable in terms of visual amenity within the lightwell.

### **2. Assessment**

#### Design:

2.1 One of considerations to the determination of the application is the impact of the proposal on the appearance of the host building and on the confined area which forms the internal lightwell.

2.2 The proposal includes an air intake attenuator measuring 1490mm in width, 1035mm in height and 690mm in depth sitting right above a rear door giving access to internal lightwell, and a grill measuring 350mm x 350mm at the same level. It is also proposed to cap 2x vents ducts and insert 2x vent grills measuring 300mm x 150mm at basement level.

2.3 The air intake attenuator is made of galvanised steel and mesh, the 2no caps of galvanised steel. All are affixed to the north-west facing internal elevation of the lightwell.

2.4 The main item for consideration is the air intake attenuator. The other works are relatively minor and would likely be *de minimis*.

2.5 The air intake attenuator currently in situ is a replacement of a previous much larger unit which dominated the whole area of the platform stair, its projection going beyond the top stair case area, roughly about 2m which, judging by the confined area of the lightwell, is hugely excessive.

2.6 The current air intake attenuator has addressed the harmful impact of the previous air intake attenuator, being much reduced in its projection size which goes no further out than 690mm, thus removing the bulkiness and out of character projection its predecessor produced.

2.7 The proposal, in terms of size and scale is considered to be acceptable. Its location, at the bottom of an internal lightwell, would have a minimal impact on the appearance of the hoist building and is not considered to harm the character or appearance of the conservation area in accordance with Core Policy CS5 (Managing the impact of growth), CS14 (Promoting high quality places and conserving out heritage), and Development Policies DP24 (Conserving Camden's Heritage) and DP26 (Managing the impact of development on occupiers and neighbours).

#### Amenity:

2.8 A Noise Impact Assessment was submitted for the air intake attenuator installed above the rear access door to the lightwell. The report was assessed by the Council's Noise Officer and was found to be unacceptable as it failed to detail sufficiently the lowest L90 night time assessment and did not adequately show the unit complied with the Council's noise standards.

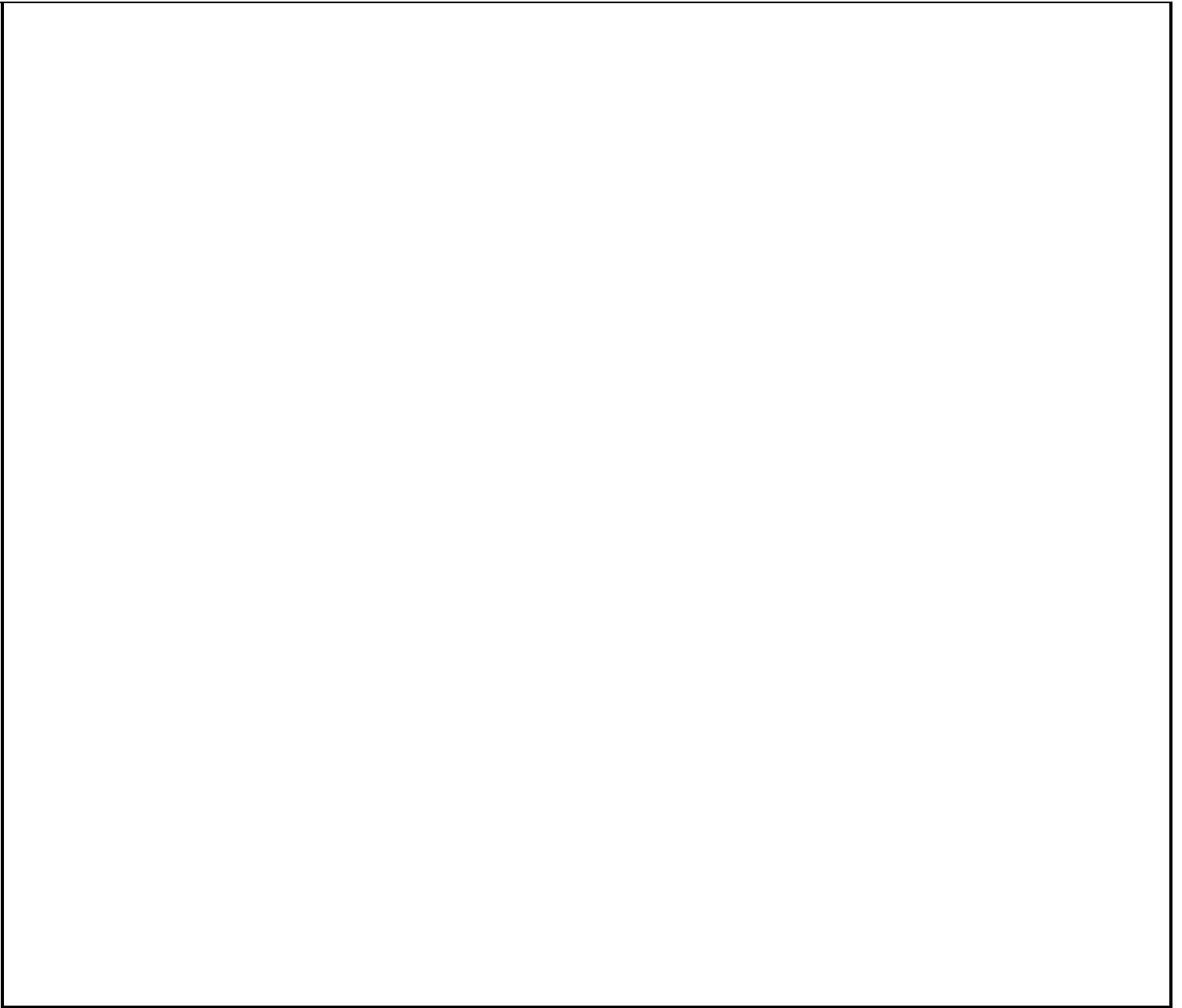


- 2.10 Clarification was provided by the agent and the acoustic consultant pointing out that the commercial unit does not operate at night. A revised report was submitted which measured noise at the closest sensitive location (the closest residential window at 1<sup>st</sup> floor level) for 48 hours. The report found no increase in noise levels when the plant, which is the subject of the application, was switch on and neighbouring plant turned off. The report concluded that this indicates that the plant operates at least 10dB below the minimum background noise level and therefore cannot be heard.
- 2.11 Following a re-assessment of the Noise Impact Assessment, in line with the clarification provided by the acoustic consultant, the Noise Officer concurred with the conclusion of the report and considers the proposal acceptable with the standard noise condition applied, and be restricted to current opening hours only.
- 2.12 The air intake attenuator is installed away from any residential window, and, as mentioned in the consultation summary, the attenuator is an intake duct to supply fresh air to the premises and does not expel any air into the lightwell. As such there would be no amenity impact in terms of smells of fumes.

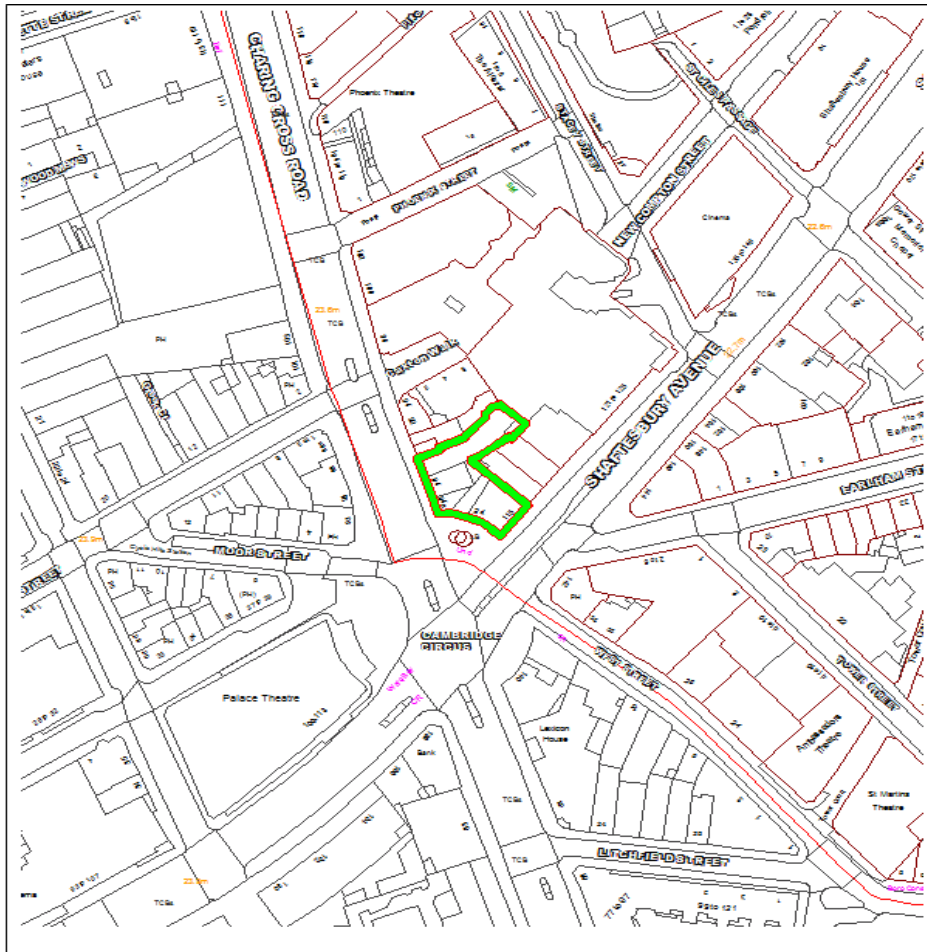
**3 Recommendation: Grant Planning permission.**

**DISCLAIMER**

**Decision route to be decided by nominated members on 8<sup>th</sup> February 2016. For further information please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'members briefing'**



2015/6443/P – 24 CAMBRIDGE CIRCUS (McDonalds)



**ST1457 – McDonald's Restaurant, Cambridge Circus – Light Well Photos November 2015**



Previous Boiler Room Vents 1

New Capped Boiler Room Vents 1



Previous Boiler Room Vents 2





New Capped Boiler Room Vents 2



Previous W/C Exhaust

New W/C Exhaust



Previous Air Intake Attenuator



New Fresh Air Intake Attenuator 1



New Fresh Air Intake Attenuator 2



Other Plant Units in the Light well

Taken from the fire exit opposite the new Intake Attenuator





Chimney for the Air Intake for opposite unit.





