

Application ref: 2018/3315/P
Contact: Ben Farrant
Tel: 020 7974 6253
Date: 10 September 2018

Development Management
Regeneration and Planning
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Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted

Address:

125 Shaftesbury Avenue
London
WC2H 8AD

Proposal:

Variation of condition 2 (approved plans) of planning permission 2018/1299/P dated 26/06/2018 (for external alterations to the 7th storey roof to include the installation of 42 x Variable Refrigerant Flow (VRF) units, 4 x Air Handling Units (AHU), and associated works, and installation of 21 Variable Refrigerant Flow (VRF) units within existing enclosure at 10th storey), namely to increase the height of the plant areas by 660mm at 7th floor level with associated requirement for acoustic enclosure

Drawing Nos: Superseded: A0.2_PA2, A0.7_PA1, A1.0, A1.7_PA2, A7.1_PA1, A7.2_PA1, A7.3_PA1, A7.4_PA1, A7.5_PA1, A8.1_PA2, A8.2_PA2, A8.3_PA2, A8.4_PA2, A8.5_PA2, A9.2_PA3, A10.2_PA1 & Noise Assessment (Revision B) prepared by WeWork dated 02/05/2018.

Amended: A0.2_PA3, A0.7_PA3, A1.7_PA3, A7.1_PA3, A7.2_PA3, A7.3_PA3, A7.4_PA3, A7.5_PA3, A8.1_PA3, A8.2_PA3, A8.3_PA3, A8.4_PA3, A8.5_PA3, A9.2_PA2, A10.1_PA1, A10.2_PA2 & Noise Assessment (Revision C) prepared by WeWork dated 11/07/2018

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 For the purposes of this decision, condition 2 (approved plans) of planning permission 2018/1299/P dated 26/06/2018 shall be replaced with the following condition:

REPLACEMENT CONDITION 2

The development hereby permitted shall be carried out in accordance with the following approved plans:

A0.00_PA1, A0.1_PA1, A0.2_PA3, A0.7_PA3, A1.7_PA3, A7.1_PA3, A7.2_PA3, A7.3_PA3, A7.4_PA3, A7.5_PA3, A8.1_PA3, A8.2_PA3, A8.3_PA3, A8.4_PA3, A8.5_PA3, A9.2_PA2, A10.1_PA1, A10.2_PA2 & Noise Assessment (Revision C) prepared by WeWork dated 11/07/2018

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

- 3 The cumulative sound level from the proposed external building services and fixed plant shall be 10dB or more below the lowest background sound level assessed at 1m outside the windows of the nearest affected noise-sensitive property at any time. The proposed plant shall be installed and constructed to ensure compliance with the above requirements and mitigation measures identified in Section 7.2 of the Acoustic Report.

Reason: To ensure that the amenity of occupiers of the surrounding premises is not adversely affected by noise from mechanical installations/ equipment, in accordance with Policy A4 of the Camden Local Plan 2017.

- 4 All new mechanical plant should be installed on suitable vibration isolators to minimise structure-borne noise and vibration transfer to adjoining properties.

Reason: To ensure that the amenity of occupiers of the surrounding premises is not adversely affected by noise/vibration from mechanical installations/ equipment, in accordance with Policy A4 of the Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission.

The application seeks to vary condition 2 (approved plans) of planning application 2018/1299/P dated 26/06/2018. It seeks to increase the height of the plant areas by 660mm at 7th floor level with associated requirement for acoustic enclosure.

The property is outside of a conservation area, though it is directly adjacent to the Seven Dials Conservation Area, and the Grade II Listed Former Saville Theatre.

Given the siting of the units to the roof of the seventh floor, they would not be visible from street level or in the setting of the nearby conservation area and Grade II Listed Building (despite their increased height from the previously approved scheme), and are not considered to cause harm to the special interest of these designated heritage assets. Whilst the units and associated works would largely consume the roof space, and would be visible in views from the upper levels of surrounding buildings, they would not cause undue harm to these views.

As the plant area has been raised, acoustic screening is required for the plant on the 7th floor. With the addition of the acoustic screening identified in section 7.2.4 of the Noise Report, the units comply with the noise levels set out in Appendix 3 of the Camden Local Plan. The Council's Environmental Health Officer has made no objection to the proposed scheme based on the noise impact assessment, subject to the attached conditions. The proposal is considered not to result in undue harm to neighbouring amenities.

No comments have been received following the public consultation on this scheme. The Covent Garden Community Association made no objection to the scheme. The planning history of the application site was considered prior to this determination.

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

Given the above assessment, the proposed development is in general accordance with policies A1, A4, D1 & D2 of the Camden Local Plan 2017, the London Plan 2016, and the National Planning Policy Framework 2018.

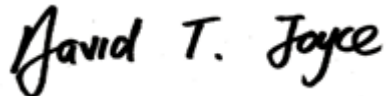
- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 3 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 Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website 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

A handwritten signature in black ink that reads "David T. Joyce". The signature is written in a cursive style with a large initial 'D' and 'J'.

David Joyce
Director of Regeneration and Planning