

PD10618/PB/ED

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PLANNING PORTAL REF. PP-06776473

Dear Sir/Madam

**20 RED LION STREET, LONDON, WC1R 4PQ
APPLICATION FOR NON MATERIAL ADMENDMENT OF PERMISSION 2018/4362/P UNDER SECTION 96A
OF THE TOWN AND COUNTRY PLANNING ACT 1990**

On behalf of our client, BNP Paribas Securities Services Trust Company Limited and BNP Paribas Securities Services Trust Company (Jersey) Limited as trustees of the Mayfair Capital Commercial Property Trust, please find enclosed an application ("this / the Application") for a non-material amendment under S96A of the Town and Country Planning Act 1990 ("The Act") to amend Condition 3, placed upon planning permission ref. 2018/4362/P (approved on 19 November 2018).

Background

On 15 May 2017, the London Borough of Camden ("LBC") granted planning permission (ref. 2016/5571/P) (subject to a Section 106 Legal Agreement) for:

"Erection of roof extension for the creation of a 6th floor following the relocation of roof plant, creation of terraces at ground floor, 1st, 5th and 6th floor levels, extension to rear of building, replacement of all existing single glazed windows and new reception entrance along Red Lion Street and Sandland Street with associated re-cladding. Rendering of existing rear facade. Erection of a canopy to the rear area to create new cycle parking area."

Following the approval of 2016/5571/P, a number of design changes were identified and a minor material amendment (Section 73) application (ref. 2017/3028/P) was then approved by LBC on 31 August 2017, (subject to a Deed of Variation to the Section 106 Legal Agreement) for:

"Variation of condition 2 (Drawings) of permission (ref: 2016/5571/P) dated 15/5/17 for Roof extension for the creation of a 6th floor, creation of terraces, extension to rear, alterations to front and rear facades and fenestrations, erection of a canopy for new cycle parking area. Namely to alter front and rear facades and fenestrations including additional rainwater pipes, louvres and additional curtain wall glazing, stairway from 5th to 6th floor and internal room alterations."

Since these works (ref. 2017/3028/P) have begun, a further minor material amendment (Section 73) application (ref: 2018/4362/P) has been approved by LBC on 19 November 2018, for design amendments solely relating to the façade (subject to a Deed of Variation to the Section 106 Legal Agreement) for:

"Variation of condition 2 (Approved Drawings) of permission ref: 2016/5571/P dated 15/5/17 (as amended by 2017/3028/P dated 31/08/2017) for (Roof extension to create 6th floor, terraces, rear extension, alterations to front and rear facades, canopy for new cycle parking area); CHANGES include alterations to external façade and fenestration."

Planning permission refs. 2017/3028/P and subsequently 2018/4362/P have been implemented and construction began on site in March 2018.

Further to planning permission ref. 2018/4362/P, a number of additional design changes are required following the detailed design coordination of the structural and mechanical, electrical and plumbing (MEP) services, amongst other things. Another minor material amendment (Section 73) has been submitted (ref. 2019/1401/P) has recently been submitted to LBC.

Non Material Amendment

S96A provides an appropriate mechanism to make non-material amendments to planning conditions. S96A(3) itself confirms that this Section also includes the power to “*removal or alter*” existing planning conditions.

Condition 3 of permission ref. 2018/4362/P relates to the maximum acceptable noise levels emitted by external and internal plant and machinery. Condition 3 states:

“The external noise level emitted from plant, machinery or equipment at the development with specified noise mitigation hereby approved shall be 46 dB LAeq, T at 23m, 22 Sandland Street, with all machinery operating together at maximum capacity and an internal noise level of NR35 as designed in report ref: 83633/3/2/5 dated 13 June 2017”

The condition reflects the position and associated documentation as approved under 2017/3028/P, specifically the conclusions of the Acoustic Consultancy Report (document ref. 83633/3/2/5 dated 13 June 2017), prepared by Lee Cunningham Partnership. Notwithstanding the approved condition wording, the approved Acoustic Consultancy Report actually presented that the acoustic specifications across the building have been designed to meet the internal noise level of NR38 and the reference by LBC to NR35 was, we submit, an error as it only referred to the level achieved by a Mitsubishi Lossnay Unit (model code LGH100RVX-E) and not a more general internal noise level to be adopted as a whole system across the various floors.

This Application seeks to regularise and formally amend the wording of Condition 3 to reflect an internal noise level of NR38, in accordance with British Council for Offices (BCO) Specification for Offices (2014) criteria. The BCO criteria notes that for speculative offices (i.e. an office building designed before tenants have signed up), the criteria for internal noise intrusion is NR38 (Leq) (see Appendix 1 to this letter) NR35 is too restrictive therefore.

On this basis, the following wording is proposed to ensure clarity regarding the restriction on the internal noise levels:

Condition 3 – Proposed Wording*

*“The external noise level emitted from plant, machinery or equipment at the development with specified noise mitigation hereby approved shall be 46 dB LAeq, T at 23m, 22 Sandland Street, with all machinery operating together at maximum capacity and an internal noise level of **NR38** as designed in report ref: 83633/3/2/5 dated 13 June 2017.”*

*Proposed changes (additional 1 word) shown as **bold and underlined**.

An update to the approved Acoustic Consultancy Report (document ref. 83633/3/2/5) is submitted with this application titled “Acoustic Consultancy Report” ref. 90193/3/1/10 (dated 11 March 2019). This report demonstrates that the internal noise level of NR38 can be achieved and has been designed throughout. This is a more suitable level to attribute to an office which although will be occupied by multiple tenants, will be more than likely an open plan office arrangement. If the office is open plan, the building has been designed to be a more strict criteria than that specified by BCO for this category (NR40).

The submitted Acoustic Consultancy Report prepared by LCP (11 March 2019) has already been submitted as part of a minor material amendment (ref. 2019/1401/P) and also to approve the details reserved by conditions 12 and 13, which is yet to be validated by LBC (PP-07750018). As discussed with Sofie Fieldsend, it has been agreed that if minded to approve the submitted minor material amendment (ref. 2019/1401/P), this non material amendment will be reflected on any decision notice (through amended wording for condition 3) or this application will be transferred across to reflect the new application reference if not approved prior to the minor material amendment determination.

Application Submission

The application fee of £234 has been calculated in accordance with The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended). Payment has been made via the Planning Portal.

We trust that you will find the application documents in order and look forward to receiving the validation notice in due course. If you have any outstanding queries on this matter, please contact Peter Bovill (020 7312 7456 / peter.bovill@montagu-evans.co.uk) or Elizabeth Dewsbury (Tel. 020 7312 7490 / elizabeth.dewsbury@montagu-evans.co.uk) at this office in the first instance.

Yours faithfully

MONTAGU EVANS LLP

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Enc.

APPENDIX 1 – BCO SPECIFICATION FOR OFFICES (2014)

	2009	2014	CHANGE
NOISE CRITERIA			
External Noise Intrusion:			
Open Plan	NR40 (Leq)	NR40 (Leq)	
Speculative	NR38 (Leq)	NR38 (Leq)	
Cellular Offices	NR35 (Leq)	NR35 (Leq)	
Building Services:			
Open Plan	NR 40	NR 40	
Speculative	NR 38	NR 38	
Cellular Offices	NR 35	NR 35	
SUSTAINABILITY			
BREEAM 2008 Rating for new & refurbished offices	Minimum: 'Very Good' Best Practice: 'Excellent'	Minimum: 'Excellent' or 'Very Good'. Best Practice: 'Outstanding'	