

Application ref: 2019/2099/P  
Contact: Ben Farrant  
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Date: 10 June 2019

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
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Left City  
160 West George Street  
Glasgow  
G2 2HQ

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 3 (approved plans) of planning permission 2018/4188/P dated 10/01/2019 for: "Installation of new and replacement mechanical plant at first and eighth floor level roofs including: the installation of 3 x double doors; 2 x ventilation louvers in place of windows; 2 x acoustic enclosures to house 3 x IDF room condensers; extract and discharge ducts; 2 x AHU heat pump condensers; 3 x AHU condenser units; 1 x kitchen condenser unit; 1 x AC condenser unit; 1 x freezer condenser; and associated guard rails to eighth floor roof" namely to amend the siting of the existing and previously approved units contained on the first floor flat roof, amend the previously approved first floor roof acoustic enclosure, and installation of new acoustic enclosure to first floor flat roof.

Drawing Nos:

Superseded: 1124\_PA-01.3, 1124\_PA-07.1, & Noise Impact Assessment Ref: AAc\256120\R02(Rev.A) by ARUP dated 28/11/2018.

Amended: 1124\_PA-01.3\_Rev.A, 1124\_PA-07.1\_Rev.A, Noise Impact Assessment Ref: AAc\256120\R02(Rev.B) by ARUP dated 21/01/2019, & Acoustic Enclosure Details ref: 185366 by AES UK ltd dated 12/03/2019.

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 shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of the last of the reserved matters to be approved, whichever is the later.

Reason: In order to comply with the provisions of Section 92 of the Town and 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 D1 [and D2 if in CA] of the London Borough of Camden Local Plan 2017.

- 3 For the purposes of this decision, condition 3 (approved plans) of planning permission 2018/4188/P dated 10/01/2019 shall be replaced with the following condition:

#### REPLACEMENT CONDITION 3

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

1124(90)002, 1124(90)001, 1124\_PA-01, 1124\_PA-01.1, 1124\_PA-01.2, 1124\_PA-02, 1124\_PA-02.1, 1124\_PA-03, 1124\_PA-03.1, 1124\_PA-04, 1124\_PA-04.1, 1124\_PA-05, 1124\_PA-05.1, 1124\_PA-06, 1124\_PA-06.1, 1124\_PA-07, 185366 Kitchen/Servery Extract Technical, M2RF-5\_Rev.D, Servery Supply document (unnumbered) dated 20/07/2018, Kitchen Supply document (unnumbered) dated 20/07/2018, 1124\_PA-01.3\_Rev.A, 1124\_PA-07.1\_Rev.A, Noise Impact Assessment Ref: AAC\256120\R02(Rev.B) by ARUP dated 21/01/2019, & Acoustic Enclosure Details ref: 185366 by AES UK Ltd dated 12/03/2019.

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

- 4 Access to the first and eighth floor flat roofs shall be for the maintenance and repair of the plant/machinery (and associated works) hereby approved only; the roofs shall not be used as roof terraces, balconies or similar amenity spaces in perpetuity.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policies A1 and D1 of the London Borough of Camden Local Plan 2017.

- 5 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.

- 6 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 3 (approved plans) of planning application 2018/4188/P dated 10/01/2019. It seeks to amend the siting of the existing and previously approved units contained on the first floor flat roof, amend the previously approved first floor roof acoustic enclosure, and install a new acoustic enclosure to first floor flat roof. The previously approved eighth floor arrangement would be unaltered by this proposal.

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.

The proposed alterations are considered to be minor with respect to the originally approved scheme. The units and acoustic enclosures would continue to be discreetly sited, and would not be immediately prominent in public views. Whilst there may be some visibility as was the case with the previously approved scheme, given the context, this is considered to be acceptable and would not constitute harm to the character and appearance of the building or surrounding area.

It is noted that the maintenance access door would remain, and so as with the previous scheme, a condition has been added to ensure the flat roof is not used as a roof terrace or similar amenity space in perpetuity in the interests of neighbouring amenity.

The proposed alterations would not impact adversely on the amenities of surrounding occupiers (subject to the attached conditions), and an appropriate noise impact assessment has been submitted alongside the application. 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.

No comments have been received following the public consultation on this scheme. The planning history of the application site was considered prior to this determination.

Special regard has been attached to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses under s.66 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 paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

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

Yours faithfully



Daniel Pope  
Chief Planning Officer