

Application ref: 2019/6168/P  
Contact: Tony Young  
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Date: 6 May 2020

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
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Tesco PLC  
Fao. Andy Horwood  
Kestrel Way  
Welwyn Garden City  
AL7 1GB

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted**

Address:

**124-125 Tottenham Court Road**  
**London**  
**W1T 5AS**

Proposal: Installation of 4 air conditioning units (1 x new and 3 x replacement) and refrigeration plant with internal gas cooler on rear lower roof along south-west elevation; and realignment of existing rear stairs.

Drawing Nos: Site location plan; (02\_2775\_)02A, 02B, 02D, 02E; (03\_2775\_)03A, 03B; 09\_2775\_02C; Plant Noise Impact Assessment Report from Noise Solutions Ltd. (ref. 86008 rev 00) dated 27/03/2020; Condenser specifications (Daikin models: FCAG-A\_AZAS\_M and FTXP-L\_RXP-L).

The Council has considered your application and decided to grant permission subject to the following conditions:

Conditions and Reasons:

- 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 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 of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; (02\_2775\_)02A, 02B, 02D, 02E; (03\_2775\_)03A, 03B; 09\_2775\_02C; Plant Noise Impact Assessment Report from Noise Solutions Ltd. (ref. 86008 rev 00) dated 27/03/2020; Condenser specifications (Daikin models: FCAG-A\_AZAS\_M and FTXP-L\_RXP-L).

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 10dB(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 15dB(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 policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 5 Prior to first use, all approved machinery, plant or equipment shall be provided with acoustic isolation, sound attenuation and anti-vibration measures as necessary, and in accordance with the scheme hereby approved, and thereafter shall be permanently retained and maintained in accordance with the manufacturers' recommendations.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 6 Prior to first use of the plant equipment hereby approved, all air conditioning units and refrigeration plant equipment identified to be replaced as part of this approval, shall be removed.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

#### Informatives:

- 1 Reasons for granting planning permission:

The 4 proposed air conditioning units (1 x new and 3 x replacement) and replacement refrigeration plant would be located on a rear lower roof within an existing plant area set-back from the south-west elevation. The works also involve the realignment of an existing rear stairs. The works would not be visible from within the public realm.

The application is accompanied by a Plant Noise Impact Assessment Report from Noise Solutions Ltd. (ref. 86008 rev 00) dated 27/03/2020. The nearest noise sensitive receptors to the proposed plant are identified as rear windows associated with hotel accommodation on the upper floors and which are located 10m away. Some acoustic screening already exists between these windows and the existing plant area itself.

Given existing background noise levels, the report suggests that it should be possible to achieve the required levels in compliance with Camden's noise standards and such that local amenity is preserved. The Council's Environmental Health Team have reviewed the information and raise no objection to the development proposals. As a safeguarding measure, any approval would include a number of conditions to ensure that these noise standards are met and so that the amenities of the surrounding premises and the area generally is safeguarded.

In this context, and given that the proposal mainly involves the replacement of existing plant in the same locations, the proposal would not have any discernible impact upon the appearance of the building, nor any adverse impact on the amenity of any nearby residential occupiers in terms of increased noise.

Overall, therefore, the character and appearance of the Fitzrovia East Neighbourhood and Fitzrovia Square Conservation Areas would be preserved in accordance with Council guidance and policies, and the proposal is considered to be acceptable.

The site's planning and appeals history has been taken into account when coming to this decision. No objections have been received following statutory consultation.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Fitzrovia Square Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Area) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposed development is in general accordance with policies A1, A4, D1, D2 and CC1 of the Camden Local Plan 2017, the Fitzrovia Area Action Plan (Part 3: Visions and Objectives) 2014, the London Plan 2016, and the National Planning Policy Framework 2019.

- 2 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

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 must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 3 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).
- 4 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.

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