

Application ref: 2020/0510/P  
Contact: Tony Young  
Tel: 020 7974 2687  
Date: 17 May 2020

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
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WC1H 9JE

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[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

Boyer Planning  
2nd Floor  
24 Southwark Bridge Road  
London  
SE1 9HF

Dear Sir/Madam

### **DECISION**

Town and Country Planning Act 1990 (as amended)

#### **Full Planning Permission Granted**

Address:  
**Tudor House**  
**35 Gresse Street**  
**London**  
**W1T 1QY**

Proposal: Installation of 4 air conditioning condenser units with acoustic screen, 13 solar photovoltaic (PV) panels, 2 roof cowls and black steel handrail at roof level (following the removal of 3 existing air conditioning condenser units).

Drawing Nos: 00101 rev P03, 00102 rev P01, 00103 rev P04, 00104 rev P04; Plant Noise Assessment from Cole Jarman Ltd. (ref. 19/0678/R1) dated 30/01/2020; Air conditioning specification, noise curve and dimensional data sheets (Panasonic model U-8LE1E8\_1); Letter & emails from Boyer Planning Ltd. dated 31/01/2020, 11/03/2020 and 07/05/2020; Solar module specification document from LB Electronics Deutschland GmbH (model LG-NeON-R) dated 08/2017.

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 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: 00101 rev P03, 00102 rev P01, 00103 rev P04, 00104 rev P04; Plant Noise Assessment from Cole Jarman Ltd. (ref. 19/0678/R1) dated 30/01/2020; Air conditioning specification, noise curve and dimensional data sheets (Panasonic model U-8LE1E8\_1); Letter & emails from Boyer Planning Ltd. dated 31/01/2020, 11/03/2020 and 07/05/2020; Solar module specification document from LB Electronics Deutschland GmbH (model LG-NeON-R) dated 08/2017.

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 of the plant equipment hereby approved:

- a. all plant equipment shall be provided with acoustic isolation and anti-vibration measures as necessary, in accordance with the scheme hereby approved, and thereafter shall be permanently retained and maintained in accordance with the manufacturers' recommendations;

- b. all condenser units and equipment identified to be replaced as part of this approval, shall be permanently 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.

- 6 The steel handrail hereby approved shall be finished in a black colour unless otherwise agreed in writing by the local planning authority.

Reason: In order to safeguard the appearance of the building and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the Camden Local Plan 2017.

Informative(s):

1 Reasons for granting planning permission:

4 air conditioning condenser units would replace 3 existing units located in a similar position at roof level and would be enclosed by a new acoustic metal louvre enclosure. 2 small roof cowls are also proposed at roof level for air intake and extract purposes. The proposed condenser units would be setback from the existing parapet and positioned centrally within the roof space, and as such, would not be visually prominent from within the public realm, especially given the additional screening provided by the adjacent existing stairwell and water tank enclosure.

The application is accompanied by a Plant Noise Assessment from Cole Jarman Ltd. (ref. 19/0678/R1) dated 30/01/2020. The nearest noise sensitive receptors to the proposed plant are identified as being windows associated with residential use located approximately 20m away in Rathbone Place and Percy Mews. Given existing background noise levels, the report suggests that it should be possible to achieve the required noise levels with mitigation measures 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 residential 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 location, the proposal is considered to preserve the character and appearance of the building, and not result in an unacceptably adverse impact on the amenity of any residential occupiers in terms of increased noise levels.

The proposal includes the siting of 13 solar photovoltaic (PV) panels (each panel or module containing 60 solar cells). 7 panels would be positioned horizontally on a flat plinth that sits in a position below the height of the existing roof parapet with a black steel handrail providing a perimeter on 2 sides. The remaining 6 panels would be positioned horizontally on the flat roof of the existing stairwell and water tank enclosure. No panels would protrude above the height of the flat roof of the enclosure. Due to the nature of the proposals, there would be no significant impact on neighbouring amenity.

Concern was initially raised by the Council to the proposals given the inclusion of 'green screen' fencing in so far as it would introduce visual clutter with no acoustic or screening benefits by virtue of its' size, design and location. In response, the applicant submitted revised drawings which omitted this fencing entirely and proposed a simple black steel handrail.

Overall, the character and appearance of the Fitzrovia East Neighbourhood and Charlotte Street Conservation Areas would be preserved by the proposals in accordance with Council guidance and policies, and are therefore 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 Charlotte Street 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 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 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.
- 4 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.

- 5 The applicant is advised that this approval relates solely to the alterations as described in the proposed description and does not grant approval for the use of the roof as a terrace, or for any other alterations described and/or shown on the approved drawings.

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

A handwritten signature in black ink, appearing to read 'DPope', is written over a light blue rectangular background.

Daniel Pope  
Chief Planning Officer