



Our Ref: 13002/JG/ms
Your Ref:
Email: mshearman@firstplan.co.uk
Date: 14th January 2012

Planning Department
London Borough of Camden
Camden Town Hall Extension
Argyle Street
London WC1H 8NJ

Dear Sir,

70 CHARLOTTE STREET, LONDON, W1T 4QG

We have been instructed by our clients Bubbledogs & Ltd to submit the enclosed retrospective planning application for the installation of external plant at the above premises. The plant is required in order to enable Bubbledogs' continued operation of the ground and basement floors of the building as a Class A3 restaurant.

The application is submitted online via the planning portal (ref: PP-02399587), and is comprised of the following documentation:

- Completed Planning Applications Forms and Certificates
- Site Location Plan
- Drawing No. 789-B3-15BLT-01 - Existing Roof Plan
- Drawing No. 789-B3-15BLT-02 - Existing Side Elevation
- Drawing No. 789-B3-15BLT-03 - Existing Rear Elevation
- Drawing No. 789-B3-14PLN-01 - As built Roof Plan
- Drawing No. 789-B3-14PLN-02 - As built Side Elevation
- Drawing No. 789-B3-14PLN-03 - As built Rear Elevation and Section
- The Design and Access Statement is included within this letter;
- A Noise Assessment is currently being finalised and will follow shortly;
- Payment of the relevant planning application fee of £385 has been made online via the planning portal.

Site Description

The application building (No. 70 Charlotte Street) is situated in Fitzrovia, to the north of Oxford Street in a mixed use commercial area predominantly comprising shops, restaurants and bars at ground floor level, with offices and residential uses above. There are also a number of hotels in the area.

No. 70 is situated on the eastern side of the street, a short distance north of Goodge Street, with Goodge Street London Underground Station just to the east. It is occupied at basement and ground floor level by the “Bubbledogs” restaurant, which began trading in mid-2012, with offices above. It forms part of a terrace between Tottenham Street and Chitty Street, primarily comprised of 18th and 19th century buildings but adjoining more modern offices at the northern end. The adjoining building, No. 72 Charlotte Street, is Grade II listed, but includes modern extensions to the rear.

The rear of No. 70 (the application site) incorporates a flat roof above the first floor (which includes two centrally located lightwells), which steps up to another flat roof above the second floor. Plant machinery serving the building is primarily located on these flat roofs. This includes a number of existing condensing units serving the offices within the building, along with the various plant serving the Bubbledogs restaurant, which is detailed below.

These flat roofs are entirely hidden from the public realm, with the buildings to the south on Tottenham Street, the north on Chitty Street, and the residential properties to the east on Charlotte Mews providing screens on all sides. The area therefore represents an ideal location for plant, and this is reflected by the presence of other, existing plant machinery and extract systems on nearby and adjoining buildings.

Planning History

Planning consent for the use of the ground and basement floors as a Class A3 restaurant was granted in April 2011, under planning application ref: 2010/1341/P. This allowed for the “*change of use of the ground floor and basement from financial and professional services (Class A2) to restaurant (Class A3).*” This planning permission included the provision of a kitchen extract duct to the rear of the building, detailed on Drawing No. W05. This therefore established the principle of plant in this location to the rear of the building.

In determining this application, the planning officer noted in his report that “*the location of the proposed ducting and its proximity to the neighbouring listed building at no. 72 Charlotte Street would only be visible locally from upper floor windows and not at all from the public realm. The largely invisible rear elevation of the listed building is considered to be of lesser importance than the front elevation which is described in the listing description.*” In short, therefore, it is clear that the rear of the building is not visible from any public areas and as such, is not considered to make any significant contribution to the appearance of the surrounding area or the character of the Conservation Area. It also highlights that the rear elevation of the adjoining listed building is not of significant heritage value, which is reflected by its modern extension.

Application Proposals

In order to facilitate Bubbledogs occupation of the ground and basement floors, the requisite plant machinery was installed in August 2012. In order to regularise the situation at the premises, retrospective planning consent is now sought for this plant, which is shown on Drawing Nos. 789-B3-14PLN-01, 02 and 03, and is detailed as follows:

- **Kitchen Extract Duct** - this rises out of the ground floor roof alongside the first floor extension and extends up the building's rear elevation to the second floor flat roof (where the fan is located), before continuing up the pitched roof to the rear.
- **Supply Air Duct** - this also rises out of the ground floor roof, and extends on to the first floor flat roof and runs across its rear, with a louvre on its southern end for air intake.
- **Air Conditioning Condenser Units** - three no. units are located on the first floor flat roof, between the building and the supply air duct. These are located adjacent to a number of existing air conditioning units which serve the offices within the building.
- **Cold room Condenser Units** - two no. units have been installed to the edge of the roof alongside the supply air duct.

The kitchen extract duct, supply air duct and air conditioning condensers have all been installed on structural steelwork. This is necessary in order to ensure the structural integrity of the building, as the plant cannot be supported solely by the flat roofs. At first floor roof level, this also allows the units to be accommodated above the projecting roof lights.

Planning Policy Position

The application site falls within the London Borough of Camden, where the statutory development plan is comprised of the Camden Core Strategy and Development Policies DPDs (both Adopted 2010). The Camden Proposals Map identifies the site as falling within the Central London Area, and the Charlotte Street Conservation Area. Relevant policies are detailed below.

Core Strategy DPD

This document provides general guidance and sets out the overall strategy for the management of development in Camden.

Policy CS3 promotes appropriate development in highly accessible areas, including Central London.

Policy CS5 relates to the management of growth and development, and specifically explains that Camden will protect the amenity of Camden's residents and those working in and visiting the borough, specifically by making sure that the impact of developments on their occupiers and neighbours is fully considered, and requiring mitigation measures where necessary.

Policy CS15 promotes high quality places and specifically seeks to conserve Camden's heritage. Of particular relevance, this includes preserving and enhancing Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens.

Development Policies DPD

This document provides more specific guidelines for the control of development in Camden.

Policy DP12 explains that the Council will ensure that the development of shopping, services, food, drink, entertainment and other town centres uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours. It specifically notes that in order to manage potential harm to amenity or the local area, the Council will, in appropriate cases, use planning conditions and obligations to address issues, including - of relevance to this application - noise, vibration, fumes and the siting of plant and machinery.

Policy DP25 relates to the conservation of Camden's heritage. This explains that in order to maintain the character of Camden's conservation areas, the Council will:

- a) take account of conservation area statements, appraisals and management plans when assessing applications within conservation areas;
- b) only permit development within conservation areas that preserves and enhances the character and appearance of the area;
- c) prevent the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area where this harms the character or appearance of the conservation area, unless exceptional circumstances are shown that outweigh the case for retention;
- d) not permit development outside of a conservation area that causes harm to the character and appearance of that conservation area; and
- e) preserve trees and garden spaces which contribute to the character of a conservation area and which provide a setting for Camden's architectural heritage.

In addition, the policy notes that the Council will not permit development that it considers would cause harm to the setting of a listed building.

Policy DP26 relates to the impact of development on occupiers and neighbours. It explains that the Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity. Of particular relevance to this application, it highlights that factors for consideration will include overshadowing and outlook, noise and vibration levels, and odour, fumes and dust.

Policy DP28 relates to noise and vibration and specifically explains that the Council will only grant permission for plant or machinery if it can be operated without causing harm to amenity and does not exceed Camden's noise thresholds.

Camden Planning Guidance 6 - Amenity

This document provides detailed guidance to supplement the policies set out within the Council's Development Policies DPD. This provides specific reference to noise and vibration issues, and states that the Council's preference is to reduce noise disturbance at the source. It specifically explains that detailed noise reports will be required to support applications for the installation of plant, ventilation or air conditioning equipment.

Policy Analysis

In respect of the above policies, it is important to emphasise that the proposed plant is located exclusively to the rear of the building. The rear of the building is entirely screened from view from all public areas. There will not, therefore, be any visual impact on the wider conservation area. The only impact in visual terms will be from the windows of surrounding residential properties. However, the rear of the building has been extended and does not make any positive contribution to the appearance of the surrounding area or indeed provide any positive outlook for nearby residential occupiers. Similarly, the adjoining listed building (No. 72) has also been extended to the rear and does not make any positive contribution to the visual amenity of the area. Plant has been in place on the rear of the application building for some years, and the principle of additional plant was established when the Council granted consent for a rear extract duct in 2011 under application ref: 2010/1341/P. There are also several other elements of plant in place on surrounding buildings.

With regard to noise impact, it is proposed to install acoustic enclosures around the fans within both the supply air duct and kitchen extract duct. These are currently being designed and revised drawings showing these enclosures will follow the submission of this application. A supporting Noise Report will also be provided which confirms that the proposed enclosures will provide sufficient attenuation to ensure that all plant at the building complies with Camden's relevant noise standards.

By granting consent for the respective plant machinery, the Council will ensure that the Bubbledogs restaurant is able to continue trading from this highly accessible Central London location. The restaurant contributes to the character, vibrancy and economy of the area, and the proposals therefore accord with the aims and objectives of Core Strategy Policy CS3.

Heritage Statement

As indicated above, the site is situated within the Charlotte Street Conservation Area and the building is identified as one which makes a positive contribution to the character of the area.

The Charlotte Street Conservation Area appraisal explains that the Conservation Area is located within Fitzrovia, which developed primarily during the late 1700s, and is dominated by terraced townhouses, usually of four storeys in height. It notes that shops and public houses are a feature across the area, generally forming part of or having been inserted into the earlier terraces. It also highlights that the current mix of residential and business uses and a range of generally small-scale independent shops, business uses, cafes, restaurants and public houses generate a vibrant and lively atmosphere that reflects the historic bohemian quality of the area and its popularity with artists, craftsmen and European immigrants.

Overall, the document emphasises that the character of the area is predominantly generated from its urban form and the townhouses which dominate the area and contribute to the streetscene. The document does highlight issues with the preservation of the Conservation Area, and specifically explains that the addition of prominent roof level ventilation plant, including external ducts, air handling equipment, rooftop plant and

individual a/c units, as well as fire escapes, can detract from both the building and the character and appearance of the area.

It notes that within the Charlotte Street Conservation Area, there are many interesting examples of historic rear elevations. The original historic pattern of rear elevations within a street or group of buildings is an integral part of the character of the area and as such rear extensions will not be acceptable where they would compromise the special character. It explains that where appropriate the Council will have regard to the feasibility of installing air-handling equipment and external flues so that the position, particularly in visually sensitive locations and in the proximity of residential accommodation, will protect local amenity and preserve the appearance of the conservation area.

In respect of the above, it is important to note that this application relates solely to the provision of plant to the rear of the application building, 70 Charlotte Street. This plant facilitates the operation of the “Bubbledogs” restaurant from the ground and basement levels of the building. This restaurant makes a positive contribution to the vibrancy of the area which is noted in the Conservation Area appraisal as one of Charlotte Street’s key features.

The proposed plant is located exclusively to the rear of the building, which is not an elevation of historic interest or value, and has been subject to modern extensions. The adjoining listed building (No. 72) has also been extended recently to the rear and this part of the building is not of heritage value, a fact noted by the planning officer when determining the planning application (ref: 2010/1341/P) relating to the installation of plant at the premises in 2011. Indeed, the rear of this particular terrace does not make any specific contribution to the appearance of the surrounding area, or the character of the Conservation Area. The area is entirely hidden from view from all surrounding public areas. Plant machinery and extract ducts are already in place on surrounding buildings, including at 74 Charlotte Street, whilst air conditioning condensers serving the application building have been in place on the first floor roof for some years.

Accordingly, it is our view that the plant referred to in this application is entirely appropriate in terms of its siting and due to its location will not have an unacceptable impact in visual terms on the character of the Conservation Area or the setting of the adjoining listed building.

Design and Access Issues

Use

This application relates solely to plant serving the existing restaurant at the ground and basement levels of the building. The Class A3 restaurant use was granted in 2011 under a separate planning consent and the application proposals simply seek permission for plant required to serve the operator, Bubbledogs.

Amount and Scale

The amount of plant on the building is required to ensure that the unit can be sufficiently air conditioned, the cold room can be chilled, kitchen supply air can be provided, and cooking

smells generated from the restaurant's kitchens can be disposed of adequately and without causing any harm to the amenity of surrounding residential occupiers. The scale of the plant is greater than originally envisaged because of the need to provide attenuation for the fans. This could not be accommodated within the previously approved duct.

The plant fits primarily on to the existing flat roofs to the rear of the building, which already contained existing plant units serving the building prior to Bubbledogs' occupation. The new plant does not significantly alter the overall scale of the building or indeed the nature of the operation taking place.

Layout and Appearance

As described above, the plant which is the subject of this planning application is located exclusively to the rear of the building, and primarily on the otherwise redundant flat roofs above its first and second floors. The plant has been laid out so that it minimises any impact on the amenity of any surrounding residential occupiers, in terms of both noise and visual amenity. The principle of plant on the rear of this building has already been established by the previous consent from 2011. The rear of the building does not contribute to the wider streetscene or the character and appearance of the Charlotte Street Conservation Area. It is not visible from any area of public realm and this is reflected by other buildings forming part of the same block, where extract ducts and plant facilities are already in place.

Landscaping

The application proposals have no impact on landscaping.

Access

Access to the restaurant and the building as a whole is not affected. The plant facilities can be accessed for maintenance purposes via the first and second floor of the building.

Conclusions

This application seeks retrospective consent for the installation of plant at 70 Charlotte Street, to facilitate the continued operation of the ground and basement floors as a Class A3 "Bubbledogs" restaurant. The change of use of the premises has already been granted and this application therefore relates solely to the associated plant.

The plant will be located exclusively to the rear of the premises, and will not have any significant detrimental impact on the overall appearance or character of the Charlotte Street Conservation Area as it is within an existing plant area and is entirely hidden from public views. Instead, the plant will help to enhance the conservation area, by securing the ongoing operation of the Bubbledogs restaurant, which makes a positive contribution to the area's vibrancy and character.

There will be no impact on the amenity of surrounding residential occupiers in visual terms. In addition, appropriate acoustic enclosures have been designed to ensure that there is no detrimental impact in noise terms as a result of the proposed plant. Appropriate drawings

showing the design of the acoustic enclosures and an accompanying Noise Report will be submitted shortly.

I therefore trust that officers will be able to support this application. In the meantime, I look forward to hearing from you shortly regarding the validation of this application. Please do not hesitate to get in touch should you have any queries.

Yours faithfully,

A handwritten signature in grey ink that reads "Firstplan".

MARK SHEARMAN
Senior Planner