

Delegated Report (Members Briefing)	Analysis sheet	Expiry Date:	30/09/2010
	N/A / attached	Consultation Expiry Date:	24/09/2010

Officer			Application Number
Aysegul Olcar-Chamberlin			2010/4056/P
Application Address			Drawing Numbers
22 Charlotte Street London W1T 2NB			See decision notice
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature

Proposal

Installation of two air vents on rear roof slope of front part of double pitched roof of restaurant (following removal of existing ducting on rear elevation) (Class A3).

Recommendation:	Grant Planning Permission
Application Type:	Full Planning Permission
Conditions:	Refer to Draft Decision Notice
Informatives:	

Consultations

Adjoining Occupiers:	No. notified	14	No. of responses No. Electronic	02 00	No. of objections	01
Summary of consultation responses:	<p>A site notice was displayed from 13/08/2010 to 03/09/2010.</p> <p>The occupiers of 24 Charlotte Street wants to be ensured that the air extract to be switched off when the restaurant is closed as it would be noisy when it is in operation.</p> <p><i>Response: Please refer to the assessment section of the report. A condition for a time clock to limit the operation hours is in the decision notice.</i></p>					
CAAC/Local groups comments:	<p>Charlotte Street Association welcomed the relocating ventilation equipment within the roofspace but considered the proposal would cause noise nuisance disturbance to the residents of the adjoining building. They also noted the drawings showing the existing rear elevation do not include unauthorised air condenser units and recommended the removal of the a/c units to be conditioned.</p> <p><i>Response: Please refer to the assessment section of the report.</i></p>					

Site Description

The application site is a 4-storey mid-terrace property with rear additions on the east side of Charlotte Street in the Charlotte Street Conservation Area. The property has an authorised use of Class A3. The existing ducting on the rear elevation of the premise has already been removed. There are also three air conditioning units on the flat roof of the rear addition (at rear first floor level). These a/c units are not in operation and do not benefit from planning permission.

The site forms part of a commercial parade in the Central London Area. The property is identified as a positive contributor to the appearance and character of the conservation area.

Relevant History

Application Site:

2009/5786/P - Planning application was withdrawn on 22/07/2010 for the alterations and additions to restaurant (Class A3) including installation of 3 air conditioning units at rear first floor level (on flat roof of rear addition) and installation of two air vents on rear roof slope of front part of double pitched roof (following removal of existing ducting on rear elevation).

2010/2125/A – Advertisement consent was granted on 19/07/2010 for the display of internally illuminated fascia sign at shopfront of restaurant (Class A3).

2009/0300/P – Certificate of lawfulness was granted on 17/02/2009 for the existing use of the all floors of the building as a restaurant (Class A3).

2008/4080/P – Planning permission was granted on 04/11/2008 for the installation of a new shop front with sliding/folding doors, new retractable awning and replacement of railings enclosing front private forecourt.

Neighbouring Sites:

7-15 Whitfield Street – Planning permission was granted on 07/01/2008 for the redevelopment of site comprising the erection of a part 2, 3, and 6 storey building with retained basement, for uses comprising 22 self contained residential flats (Class C3), flexible Class B1/D1/D2 uses, a secondary electricity substation (Sui Generis) and ancillary facilities including a service area with retained vehicular access from Whitfield Street, refuse store and cycle parking (ref: 2007/5162/P). A revision to that planning permission was also granted on 25/06/2010 (ref: 2009/1215/P).

41- 42 Windmill Street – Planning permission was granted on 10/12/2009 for the change of use of first floor warehouse (Class B8) to residential use (Class C3) to provide one x 1 bedroom and one x 2 two bedroom flats, alterations at rear first floor level in association with use of flat roofs as terraces and minor alterations to front elevation (ref: 2009/3455/P).

Relevant policies

Replacement Unitary Development Plan 2006

SD6 - Amenity for occupiers and neighbours

SD7B - Noise/vibration pollution

SD8A - Disturbance from plant and machinery

B1- General design principles

B3 - Alterations and extensions

B7 - Conservation areas

R2 - General impact of retail and entertainment uses

Appendix 1 – Noise and Vibration Thresholds

Camden Planning Guidance 2006

Charlotte Street Conservation Area Statement

LDF Core Strategy and Development Policies

As the draft LDF Core Strategy and Development Policies documents have now been published, they are material planning considerations. However, as a matter of law, limited weight should be attached to them at this stage.

The following policies in the draft LDF Core Strategy and Development Policies documents have been taken into consideration

CS1 – Distribution of growth

CS5 – Managing the impact of growth and development

CS7 – Promoting Camden's centres and Entertainment Uses

CS14 – Promoting high quality places and conserving our heritage

DP24 – Securing high quality design

DP25 – Conserving Camden's heritage

Assessment

Proposal

This application is a resubmission of the previously withdrawn application (ref: 2009/5786/P) without the a/c units and seeks permission for the installation of two air extract and intake vents on the rear roof slope close to the middle section of the double pitched roof. The agent withdrew the previous application due to the lack of information relating to the noise assessment of the a/c units in relation to the closest residential properties/flats on the adjoining properties (nos. 20 and 24 Charlotte Street) and new residential flats at the rear of nos. 7-15 Whitfield Street (located within 5m from the a/c units). The agent's covering letter dated 28th July 2010 confirms that a new scheme for the a/c units with a revised noise report will be submitted once the applicant's acoustic engineer completes their noise survey and assessment.

Since this application was submitted, the applicant's acoustic agent has submitted a noise report for the proposed air vents to demonstrate that the proposal would meet the Council's noise standards.

Design and Appearance

The property has a double pitched roof with a central valley running from side to side. Two air vents would be installed on the rear slope of the front pitched roof below the ridge line to serve the new kitchen on the third floor level. The proposed plant works on the roof level would not be visible from both front and rear elevation of the building and would also be well screened from the public views.

The fact that architectural characteristics of the application building help to visually "absorb" the proposed air vents, the proposal would not harm the appearance and character of the application and the adjoining buildings and the wider conservation area. The proposal is acceptable in design terms.

The rear elevation of the building is very plain and visible from the rear of properties at 7-15 Whitfield Street, 38-42 Windmill Street. Many of the properties on that side of Charlotte Street have external plant on their rear elevations. Although the air conditioning units are located within close proximity to the neighbouring properties they would not be visible from public views. Visually, the existing a/c units at the application premise are considered not to significantly affect the appearance and character of the wider conservation area.

The applicants are reminded to make a separate application for the retention of the a/c units at the rear of the premise.

Amenity

Given the location and size of the proposed air vents, the proposal would not affect the residential amenities in terms of loss of daylight, privacy and outlook. Provided that the noise levels from the proposed air vents when in operation complies with the Council's noise standards the proposal is considered not to cause unacceptable noise nuisance to the adjoining residential flats.

There are residential flats on the adjoining properties. These flats are located on the 3rd floor level of no. 20 Charlotte Street and on the 2nd, 3rd and 4th floor levels of no. 24 Charlotte Street. The noise report submitted with this application demonstrates that the noise calculations and the background readings with specified mitigation measures will meet the Camden's noise and vibration thresholds set out appendix 1 of the UDP. The minimum background noise level has been determined for the proposed hours of operation (11:00 -23:00 hours) is 50dB. The calculations indicate that the cumulative noise level from the kitchen extract/air supply would be 39 dBA at the nearest noise sensitive façade.

The proposal subject to the safeguarding conditions (including installation of time clock and mitigation measures as recommended by the consultant prior to the operation) would be in accordance with the aims of policies SD7B and SD8 of the UDP and supporting advice contained within Camden Planning Guidance 2006. The Council's Environmental Health officer also raised no objection to the proposed air vents.

Recommendation: Conditional planning permission should be granted.

DISCLAIMER

Decision route to be decided by nominated members on Monday 27th September 2010.

For further information see

<http://www.camden.gov.uk/ccm/navigation/environment/planning-and-built-environment/planning-applications/development-control-members-briefing/>