

DISCLAIMER

Decision route to be decided by nominated members on Monday 16th November 2009. For further information see

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

Delegated Report (Members Briefing)		Analysis sheet	Expiry Date:	16/11/2009
		N/A / attached	Consultation Expiry Date:	23/10/2009
Officer			Application Number(s)	
Anette de Klerk			2009/4347/P	
Application Address			Drawing Numbers	
3rd Floor 33 Charlotte Street London W1T 1RR			Refer to decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Retention of six new condenser units within proposed screened enclosure at second floor level to rear of mixed use (residential (Class C3), office (Class B1) and restaurant (Class A3)) building.				
Recommendation(s):		Grant Planning Permission		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	28	No. of responses	1	No. of objections	1
			No. Electronic	0		
Summary of consultation responses:	A site notice was displayed between 02/10/2009 – 23/10/2009. One letter of objection was received stating the following: <ul style="list-style-type: none">- The equipment is already installed on the site and when it was turned on briefly it was very noisy. (Paragraphs 3.2 & 3.3)- It will be covered to make it less noisy, but is located next to kitchen window and will be impossible to cover it totally as it requires air intake to work – will not be able to open window during summer because even when window is closed it is noisy enough to hear it. (Paragraphs 3.2 & 3.3)- It will clutter our view; will look awful and rather messy. (Paragraph 2.1)- Quality of living will be reduced by the noise and enjoyment of our terrace reduced drastically. (Paragraphs 2.1 & 3.3)					
CAAC/Local groups comments:	Charlotte Street CAAC objected to the proposal on the following grounds: <ul style="list-style-type: none">- Concerned at the proliferation of air conditioning units in times of energy control.(Paragraphs 3.3 & 3.4) Charlotte Street Association objected on the following grounds: <ul style="list-style-type: none">- Units are likely to cause noise nuisance to residents living in close proximity in Charlotte Street, Charlotte Place and Goodge Street.(Paragraphs 3.2 & 3.3)- Figures given for the current ambient noise levels are distorted by plethora of unauthorised and poorly maintained units in immediate vicinity (Paragraphs 3.2 & 3.3).- Evidence from elsewhere nearby shows minimum levels to be 42dba; a classical example of noise creep (Paragraphs 3.2 & 3.2)- To approve these proposals would be contrary to the Council's policies for achieving sustainable development and combating climate change.(Paragraphs 3.3 & 3.4)					

Site Description

The application site is 33 Charlotte Street which is located on the west side of the street at its junction with Rathbone Street. The building comprises ground and five upper floors. It dates from the 1960s. The fifth floor was added in the late 1990s. The ground floor is currently in use as a restaurant and the upper floors of the building provide office and residential accommodation. The entrance to the offices is located on the south elevation of the building fronting onto Rathbone Street. The building is not listed, but is situated within the Charlotte Street Conservation Area.

Relevant History

PSX0204737: The retention of plant area 4 (landlord's plant) and the installation of three new plant areas on the second floor roof, a screen to enclose a lower level second floor roof, ducting routed from the lower second floor roof to plant enclosures, and two air condensers within a lightwell to the rear ground floor level, together with the re-alignment of an emergency escape from the second floor of residential accommodation to the second floor roof granted 28/11/2002.

PSX0104907: Amendments to a previously approved scheme dated 17th Dec.1999 (Reg no. PS9904846) including the installation of windows within a small lightwell to the rear of the Charlotte Street restaurant at ground floor level, amendments to existing escape stairs and the retention of an additional emergency escape to the second floor roof and, the retention of an increase in size of windows to the rear of the Rathbone Street building, the installation of an extract duct extending from 2nd. floor rear to the roof, the retention of a window installed within the Charlotte Place elevation at 5th. floor level, the removal from the scheme of windows which would have been installed at the corner Rathbone/Charlotte Street facades, and the retention of existing windows to the rear of the Charlotte Street building granted 02/07/2002,

Relevant policies

London Borough of Camden Replacement Unitary Development Plan 2006

SD6 – Amenity for Occupiers and Neighbours
SD7B – Noise/vibration pollution
SD8 – Disturbance
B1 – General Design Principles
B3 – Alterations and extensions
B7 – Conservation areas

Camden Planning Guidance 2006

Charlotte Street Conservation Area Statement

Assessment

1. Proposal

- 1.1 Planning permission is sought for the retention of six air conditioning units to the rear at second floor level of the application building. These units are wall mounted and located behind the proposed aesthetic screen and will serve offices located on the third floor.
- 1.2 Four of the air conditioning units are wall mounted onto the rear elevation and two air conditioning units are wall mounted to the side elevation. The new aesthetic screen will measure 2.5m in height and 2.6m in width and will enclose the air conditioning units. It will be located next to the existing adjacent plant enclosure.

The main issues to consider as part of the proposal are:

- Design
- Amenity

2. Design:

- 2.1 The air conditioning units are wall mounted onto the rear and side elevation of the building at second floor level behind an existing adjacent plant enclosure. The wall-mounted units will be enclosed by an aesthetic screen which will match the adjacent plant enclosure in height and appearance. The rear of the building is enclosed by properties along Goodge Street, Charlotte Street, Newman Street, and Rathbone Street and can not be viewed from the street. The air conditioning units are only visible from the upper floors of these surrounding properties but given its location behind the proposed aesthetic screen adjacent to an existing plant enclosure, it is considered that the units would not have an adverse impact on the character or appearance of the existing building or conservation area and would be considered acceptable in design terms.

3. Amenity:

- 3.1 The applicant submitted a noise assessment report as part of the application. The noise assessment report states that five of the air conditioning units will be timer controlled to operate only during office hours (08:00-20:00) with the remaining unit which serves a computer room is required to operate on a 24 hour basis.
- 3.2 The noise assessment report indicated that the lowest measured background noise level is 56dB LA90 during the daytime and 51 dB LA90 during night time. London Borough of Camden requires that noise levels should be controlled to a value of 10 dB below the nearest ambient background noise level during the proposed operating periods, when assessed at 1m from the nearest residential window. This would equate to a criteria of 46 dB(A) for the period 08:00-20:00, and 41 dB(A) for the night time period.
- 3.3 The nearest noise sensitive window to a residential property is approximately 5m from the area where the air conditioning units are located. The calculations contained in the noise assessment report show that with all six units operating simultaneously the noise level at the closest residential window will be 45 dB(A), which therefore complies with the criterion of 46 dB(A) for the period

08:00-20:00 which is required to satisfy London Borough of Camden's requirements. With just one unit running the noise level at the closest residential window will be 37 dB(A) which also complies with the criterion of 41 dB(A) for the night time period. It should be noted that the proposed aesthetic screen has not been included within the results of the noise assessment and should also reduce the noise to the nearest residential property. In order to ensure compliance with the Council's minimum noise level requirements, conditions would be attached to ensure that a timer is installed to ensure that five of the six of the air conditioning units operate during the daytime only between the hours of 08:00 and 20:00.

3.4 Given the location of the air conditioning units as discussed earlier in the report and the proposed conditions to be attached to the decision notice, it is considered that the operation of the air conditioning units will not have a detrimental impact on neighbouring amenity in terms of noise, loss of daylight or outlook.

Other issues raised:

The Council's current policy does not allow refusal of condenser units on grounds of sustainability.

Recommendation: Grant planning permission subject to conditions.