

Firstplan

**PLANNING APPLICATION FOR
INSTALLATION OF PLANT AT**

**70 CHARLOTTE STREET, LONDON
W1T 4QG**



**PLANNING, DESIGN
AND ACCESS
STATEMENT AND
HERITAGE IMPACT
ASSESSMENT**

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SECTION 1: INTRODUCTION

- 1.1 This report is prepared in support of an application (submitted on behalf of Bubbledogs and Ltd) for the installation of external plant at 70 Charlotte Street, London.
- 1.2 A scheme of external plant was installed at the property in mid-2012 to serve the Bubbledogs restaurant which occupies the basement and ground floor levels of the building. Two planning applications seeking consent for the plant installed, along with alterations to the “as-built” scheme, were submitted in the early part of 2013. The first of these (ref: 2013/0286/P) was withdrawn following discussions with officers. The second application (ref: 2013/1630P) was refused in May 2013.
- 1.3 Retrospective planning consent was then granted for the erection of an extension to the existing office at second floor level (ref: 2014/0911/P). Following this approval, a further planning application (ref: 2014/4397/P) for a significantly reduced and reconfigured scheme of plant was submitted to the Council in July 2014. This was then refused on the 1st October, with the Council maintaining concerns from the previous applications regarding the scale and design of the equipment proposed.
- 1.4 The applicant has since undertaken additional work to further reduce the size of the extract duct and enable the removal of all associated structural steelwork. These alterations are now incorporated within the revised proposals which are the subject of this new application. They have been discussed directly with the Council’s planning officer Niall Sheehan, and will significantly and further reduce the amount, size, bulk and scale of the equipment that it is currently in place on the building, therefore directly addressing the issues raised by officers during the course of the previous planning applications. Overall, the revised proposal will ensure that the visual impact of the scheme as a whole will be kept to an absolute minimum, with no unacceptable impact on the amenity of the area either in visual terms or in noise terms.
- 1.5 Section 2 of this report sets out the relevant background information related to this application, comprising a description of the site and surrounding area and a summary of the relevant planning history. Section 3 describes the application proposals, whilst Section 4 sets out the relevant planning policies. Section 5 assesses the application in the context of these policies and other relevant issues. Sections 6 and 7 then



respectively discuss heritage impact and design and access issues. Section 8 draws conclusions.



SECTION 2: BACKGROUND INFORMATION

a) Site and Site Surrounding Area

- 2.1 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.
- 2.2 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.
- 2.3 The rear of No. 70 (the application site) incorporates a flat roof above the first floor (which includes two centrally located rooflights) 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 longstanding condensing units serving the offices within the building, along with the equipment installed to serve the Bubbledogs restaurant, which is detailed below at Section 3.
- 2.4 The rear of the application building is 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.

b) Planning History

- i) Planning Application reference 2010/1341/P
- 2.5 Planning consent for the use of the ground and basement floors as a Class A3 restaurant was granted in April 2011, under planning application reference



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. This therefore established the principle of plant in this location to the rear of the building.

2.6 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 descriptions.”*

2.7 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 buildings is not of significant value, which is reflected by its modern extension.

ii) Planning Application reference 2013/0286/P

2.8 In order to facilitate Bubbledogs’ occupation of the ground and basement floors, the existing plant machinery was installed in August 2012. This is shown on the “as built” drawings 789-B3-1PLN-01, 02, 03 and 04. A retrospective planning application for this plant was submitted on 18th January in 2013. This application incorporated the provision of acoustic attenuation to the plant installed, which included a barrier at the rear of the building’s lower flat roof in order to screen the plant from the opposing residential property.

2.9 A site meeting with the case officer (Nicola Tulley) was undertaken on 19th February 2013. She then advised on 7th March 2013 that the Council considered the ducts erected to be overly dominant on the rear elevation, and the plant scheme as a whole to be detrimental to the character and appearance of the building. She also raised concerns with regard to noise disturbance and outlook from the office windows which overlook the rear flat roof. She specifically suggested that *“in view of a way forward I would recommend that you investigate alternative options of ducting that would not be so prominent on the rear elevation (shape and size), tucked away from*



existing rear windows, in colour that would match the rear elevation as closely as possible.”

2.10 This application was withdrawn on Wednesday 13th March 2013.

iii) Planning Application reference 2013/1630/P

2.11 A further, revised scheme was then submitted in late March 2013. This involved the lowering of existing plant on the first floor flat roof, and the reconfiguration of the kitchen extract duct on the second floor flat roof. The supply air duct and air conditioning condensers remained in situ in their existing location on the flat roof as part of this application. The only alterations proposed to these elements of the scheme were the lowering of the units and the associated structural steelwork, and the erection of a 1.4m high visual screen on the flat roof. This application was refused on 15th May 2013, and two reasons were given for this decision; the first related to the scale, form, mass and design of the proposed plant and the consequent impact on the Charlotte Street Conservation Area; the second indicated that insufficient information had been provided to demonstrate compliance with Camden’s relevant noise standards.

2.12 In refusing this application, the Council raised concerns about the unlawful rear extensions on which the proposed plant would sit. Retrospective consent was then eventually granted for the erection of an extension to the existing offices at second floor level (ref: 2014/0911/P) in June 2014, which finally regularised matters in respect of the rear extensions to the building.

iv) Planning Application reference 2014/4397/FUL

2.13 A further plant scheme was then submitted to reflect the approved extensions allowed under application 2014/0911/P. This scheme was markedly and significantly different from the previous plant scheme refused in May 2013. It involved the complete removal of all of the applicant’s equipment from the first floor flat roof (including the structural steelwork), the mounting of the air conditioning condensers within a suitably designed and neatly located enclosure on a blank rear façade wall, the provision of a significantly scaled down supply air duct terminating at eaves level of the first floor office accommodation, and a significantly reduced kitchen extract system with an inline fan and attenuators running up the rear of the building in a



similar location to the originally approved scheme, but taking account of the now regularised second floor office accommodation.

- 2.14 A site visit in respect of this application was carried out with the planning officer, Niall Sheehan, and extensive discussions followed. Mr Sheehan acknowledged that the application was a vast and significant improvement on the existing, as-built scheme. However, following discussions with his Conservation colleagues, he indicated that there were still concerns regarding the size and bulk of the extract duct running up the rear of the building. The application was then refused and Mr Sheehan indicated that he would be happy to discuss further revisions to the scheme with the aim of working towards an acceptable solution to be dealt with under a further application, avoiding the need for enforcement action.
- 2.15 Further work has since been undertaken and the extract riser has been significantly reduced in size, from dimensions of 800mm x 800mm to 600mm x 550mm. This amounts to a reduction of circa 25% - 30% in the overall size of the riser, and brings it down to a level in line with numerous other comparable restaurants around Central London. Indeed, planning consent (ref: 2013/6881/P) was granted for a similarly sized riser at 25 Coptic Street, situated in a very similar location to the rear of a building within a Conservation Area (Bloomsbury) in the London Borough of Camden. Further structural work has also been undertaken to allow for the removal of all of the supporting structural steelwork. The revised scheme is described in full in the following section below.



SECTION 3: APPLICATION PROPOSALS

- 3.1 This application proposes a further reduced and reconfigured scheme of plant at the premises. This latest revised scheme has been designed to directly address and overcome the objections and concerns raised by the Council during the course of the previous applications. The primary objective of this application is to obtain consent for a scheme which ensures that the character, visual appearance and amenity of the area is retained but, at the same time, is sufficient to adequately serve this established and successful Class A3 restaurant.
- 3.2 As per the arrangements set out under 2014/4397/FUL, the revised proposals have been significantly reduced and its layout and form amended from the existing, to ensure that the new proposed scheme does not cause any significant visual harm to the Conservation Area in which the site is located. Furthermore, the reconfiguration of the plant and the associated acoustic attenuation measures have been designed to ensure that the equipment has a negligible impact on the amenity of the surrounding area in noise terms.
- 3.3 Specifically, this latest scheme has been revised from that previously proposed to incorporate a significantly reduced size and scale of extract duct (reduced by 25-30%, from 800mm x 800mm to 600mm x 550mm), and to ensure the removal of all existing structural steelwork across both of the flat roofs. In addition to these works, as with the previous scheme (2014/4397/FUL), the majority of the external supply air duct will be removed so that the only external element is the 2m x 1m air intake fan and attenuator. The restaurant's three air conditioning condensers will be mounted to the blank, rear brick wall of the building at third floor level, and concealed neatly within a louvred steel acoustic enclosure. The supply air and extract ducts and the air conditioning enclosure will be painted to match the building, which can be ensured by the imposition of a planning condition. These measures combined will significantly reduce the prominence of the plant scheme.
- 3.4 The details of the proposed scheme are shown on the application drawings, and are described in detail below. This includes specific reference to the current, "as-built" layout.



Kitchen extract duct

As existing - 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 it snakes around in a "U-shape" (within which the fan is incorporated). It then continues up the pitched roof to the rear, discharging just above the building's ridge level.

As proposed - this application proposes the reconfiguration and reduction in size of the ducting. This essentially involves the removal of the "U-shape" of the duct on the second floor flat roof, so that the duct runs straight across it and therefore directly up the rear of the building in a straight line, before discharging at high level. The riser itself will also be drastically reduced in size, to dimensions of 600mm x 550mm, and all supporting structural steelwork will be removed. This is shown on Drawing Nos. PRP-03E and PRP-01F, and is broadly in line with the extract duct which has already been approved at the site. It is also proposed to paint the ductwork in RAL 7030 to match and accord with the building.

Supply air duct

As existing - this duct also rises out of the ground floor roof, and extends on to the first floor flat roof before running horizontally across its rear edge, with a louvre on its southern end for air intake. The supply air duct is held up on structural steelwork which is required in order to ensure the structural integrity of the building (the plant cannot be supported solely by the flat roofs).

As proposed - this application proposes to significantly reduce the size of the supply air duct, removing it entirely from the flat roof so that it extends up the side of the building, to a maximum height of only just over 2m (with a width of less than 1m), terminating level with the height of the flat roof. This duct will also be painted in RAL 7030 to match the building.

Air conditioning condensers

As existing - the three no. units are currently located on the first floor flat roof, between the rear elevation of the building and the supply air duct. These are situated adjacent to a number of existing air conditioning units which serve the offices within the building. As with the supply air duct, these three air conditioning condensers are supported by structural steelwork.



As proposed - this application proposes the removal of these condensers from the flat roof. They will instead be mounted to the rear wall of the building at third floor level, within a stainless steel, louvred acoustic enclosure which will be painted to match the building. This will ensure that the units are neatly concealed within an enclosure on a functional, blank façade of the building.

- 3.5 The equipment detailed above is required in order to ensure that the unit can be sufficiently air conditioned, kitchen supply air can be provided, and cooking smells generated from the restaurant's kitchens can be disposed of adequately and without causing harm to the amenity of surrounding occupiers. All of the alterations to the as-built scheme proposed above by this application will also facilitate the removal of all the existing, associated structural steelwork.



SECTION 4: PLANNING POLICY

a) National Planning Policy Framework (2012)

- 4.1 This document sets out the Government’s economic, environmental and social planning policies for England. It is a material consideration.
- 4.2 The document specifically states that at the heart of the planning system, there is a “presumption in favour of sustainable development”, which should be seen as a “golden thread” running through both plan-making and decision taking.
- 4.3 The document explains at paragraph 18 that *“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of low carbon future”*. It reinforces this at paragraph 19, stating that *“the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.”*
- 4.4 In order to help achieve growth, the document requires local planning authorities to plan proactively to meet the development needs of business and support an economy fit for the 21st century. It confirms that investment in business should not be over-burdened by the combined requirements of planning policy expectations.
- 4.5 It goes on to state that decision-takers should approve development proposals that accord with the development plan without delay. It specifically states that:

“Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.”

b) Local Policy

- 4.6 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 planning policies are detailed below.

a) **Core Strategy DPD**

- 4.7 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.
- 4.8 **Policy CS5** relates to the management of growth and development, and specifically explains that Camden will protect the amenity of its 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.
- 4.9 **Policy CS14** 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.

b) **Development Policies DPD**

- 4.10 This document provides more specific guidelines for the control of development in Camden.
- 4.11 **Policy DP12** explains that the Council will ensure that the development of shopping, services, food, drink, entertainment and other town centre 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 the amenity of 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.
- 4.12 **Policy DP24** relates to design in general and explains that the Council will require all developments, including alterations and extensions to existing buildings, to be of the highest standard of design and will expect developments to consider certain criteria. Of relevance to this application, this includes:



- character, setting, context and the form and scale of neighbouring buildings;
- the character and proportions of the existing building, where alterations and extensions are proposed;
- the quality of materials to be used;
- the appropriate location for building services equipment.

4.13 **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 with 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 area;
- 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.

4.14 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.

4.15 **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.



4.16 **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.

c) **Camden Planning Guidance 6 - Amenity**

4.17 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.



SECTION 5: PLANNING ASSESSMENT

- 5.1 This application seeks permission for the installation of external plant to serve the Bubbledogs restaurant at 70 Charlotte Street. Whilst plant has already been installed at the site, this application proposes a scheme that is significantly reconfigured and further scaled-down, both from what is installed as existing, and when compared with the schemes proposed under the previous planning applications at the site.
- 5.2 The policy explanation above at Section 4 essentially highlights two key objectives of relevance to this application: firstly, that development should be of a high quality design, respecting the character and context of existing buildings and preserving and enhancing the character and appearance of conservation areas, and; secondly, that development should protect the amenity of surrounding residents and occupiers. National policy guidance in the NPPF also sets out a clear objective to support investment in business. The application scheme is considered in the context of these key issues below.
- a) **Design / impact on the conservation area**
- 5.3 The sole reason for refusal provided by the Council in relation to application ref: 2014/4397/P stated that *“the proposed altered ducting and plant, by virtue of their position on the building, their scale, form, mass and detailed design would serve to harm the character and appearance of the building, Charlotte Street Conservation Area and the special architectural interest of the listed building at number 72.”*
- 5.4 Having specific reference to the reason for refusal and in order to assess the revised scheme now proposed, it is first necessary to highlight that when considering the previous application, the case officer acknowledged that the majority of the revised scheme (i.e. the reduced supply air intake system and relocation of the air conditioning condensers to a wall-mounted enclosure) was considered to be acceptable in planning terms. However, he indicated that the overall size, scale and bulk of the kitchen extract duct was still considered to be excessive, and that the Council would like to see as much of the associated structural steelwork removed as possible.
- 5.5 In formulating this latest revised scheme, regard has been had to this advice and the kitchen extract duct has been drastically reduced in size by approximately 25-30%,



from dimensions of 800mm x 800mm to 600mm x 550mm, as described above at Section 3. In addition, further structural investigation has been undertaken and this has confirmed that all of the existing, associated structural steelwork can now be removed. It is our view, therefore, that the Council's key concerns in respect of the scheme have been addressed.

- 5.6 Notwithstanding this, in considering the impact of the equipment on the character and appearance of both the building and the wider surrounding Charlotte Street Conservation Area in detail, it is also necessary to emphasise that the rear of the building is entirely screened from view from all public areas. This is a fact that has been specifically acknowledged by the Council in determining application reference 2010/1341/P.
- 5.7 As such, the only impact in visual terms as a result of the application scheme will be from the windows of the surrounding properties. However, as the applicant explained within the previous applications, 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 (or indeed office) occupiers. Similarly, the adjoining listed building (No. 72) has also been extended to the rear and this side of the building does not make any positive contribution to the visual amenity of the area. Plant has been in place on the rear of the 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. It has been accepted that the rear of the building does not make any significant contribution to the character or appearance of the Conservation Area or the surrounding streetscene in general. The rear of the building is not therefore considered to be a sensitive location in design terms.
- 5.8 Notwithstanding this, it is understood that the Council nonetheless want to ensure the visual appearance of the rear of the building and the outlook from surrounding properties is preserved. As such, the Council have previously indicated that in order to ensure this, the applicant should seek to reduce the prominence of the ducting and seek to paint it in such a way that would match the rear elevation as closely as possible. In order to achieve this, all of the Bubbledogs' plant located on the first floor flat roof will be removed as part of the now-proposed scheme. This is considered to



be the most visually prominent part of the scheme as installed, and the relocation will significantly improve the visual appearance of the rear of the building.

- 5.9 The kitchen extract duct - which currently extends across much of the second floor flat roof - will extend directly up the rear of the building in a straight line, in an almost identical fashion to the extract duct which has already been approved by the Council under permission ref: 2010/1341/P. It will also be drastically scaled down, with a significant reduction in size (of approximately 25-30%) over and above what was proposed by application 2014/4397/P. The new duct will also be painted to match the building. Given that the Council have already approved an extract duct which is so similar in size and scale, and have now approved the retention of the second floor office accommodation, it is our view that there are no reasonable grounds upon which to object to this element of the proposed scheme, which must therefore be considered as acceptable.
- 5.10 Accordingly, it is our view that the only other elements for consideration in design terms are the supply air duct and the three air conditioning condensers. The case officer Niall Sheehan did not raise any specific concerns regarding these elements of the scheme when discussing application ref: 2014/4397/P.
- 5.11 The overwhelming majority of the supply air duct will be removed such that it will no longer extend on to the first floor flat roof. The new duct will be a maximum of 2.1m in height, and less than 1m in width. This will extend out of the ground floor roof and be of an identical height to - and neatly situated alongside - the existing first floor extension. It will be largely screened by surrounding buildings and will not therefore be prominently visible from surrounding windows, nor will it significantly increase the bulk or mass of the overall built form in this location.
- 5.12 The three air conditioning condensers will be removed from their existing location on the first floor flat roof. The associated structural steelwork on this roof will also be removed and, as such, no plant equipment associated with the applicant or this application will be situated on this roof. Instead, the condensers will be neatly mounted to the rear wall of the building, onto a blank, brick façade at third floor level. They will be concealed within a painted steel, louvred enclosure. This enclosure will comprise a modest addition to this functional part of the building, and will not have any detrimental impact on the overall appearance of the building or the wider area. It will significantly reduce the bulk and scale of the plant scheme which is in place



currently, and will not be obtrusive or significantly impact on the outlook from any surrounding windows.

- 5.13 Both the supply air duct and the wall-mounted enclosure housing the air conditioning condensers will also be painted to match the building, further minimising the visual impact of these elements of plant.
- 5.14 In the light of the above, it is clear that the scheme now proposed is acceptable in visual and design terms, will preserve the character and appearance of the Conservation Area, and will not have any detrimental impact on outlook for the occupiers of surrounding properties.

b) Impact on amenity

- 5.15 As set out above, the rear of the building (where the majority of the proposed plant is located) does not make any positive contribution to the area in visual terms, and does not provide a positive outlook for occupiers of surrounding buildings. All plant has been designed sensitively and will be neatly fitted to the building and painted to ensure that there will be no impact on outlook from nearby windows.
- 5.16 With regard to noise impact, a supporting Noise Report has been prepared and is attached as part of this application. This confirms that the proposed acoustic attenuation measures for the respective supply air and extract ducts and the air conditioning condensers will ensure that they comply with Camden's relevant noise standards and will not result in any noise disturbance for surrounding residential occupiers.
- 5.17 The Noise Report which is submitted as part of this application also sets out detailed analysis of the noise impact of the proposed plant on nearby offices. It confirms that the resultant noise levels will comply with Camden's relevant guidelines for offices.
- 5.18 It is understood from Niall Sheehan and the Council's Environmental Health Officer (Ed Davis) that a requirement for a post-installation test in respect of the proposed acoustic louvre should be imposed by planning condition to ensure that the required noise levels are being achieved as per the accompanying Noise Report. The applicant would be willing to accept such a condition.



c) **Other material considerations**

- 5.19 Notwithstanding the above assessment - which confirms that the proposed plant scheme is acceptable in terms of design and amenity considerations - when considering this application it is also important to consider the wider context of the area and the contribution of the restaurant in question to the character and vitality of the area.
- 5.20 The Council's own Conservation Area Appraisal specifically notes the vibrant and lively atmosphere which the mix of commercial uses - including restaurants - in the area creates. Since opening in 2012, the Bubbledogs restaurant has established itself as a popular destination on Charlotte Street, and it makes an important contribution to the vitality and economy of the area. The Council granted consent for a Class A3 restaurant in this location in 2011 and, whilst it is recognised that design and amenity considerations remain of paramount importance, it is also essential for the local authority to take a pragmatic approach to decision-taking in order to help promote investment. This is in accordance with national planning policy guidance in the NPPF, which specifically states that LPAs should look for solutions rather than problems, and seek to approve applications for sustainable development where possible.
- 5.21 The NPPF also specifically highlights that investment in business should not be overburdened by planning policy requirements. In order to ensure that these premises can remain viable and continue to be operated for Class A3 purposes, avoiding vacancy and underuse, it is essential that provision is made for the necessary, associated ventilation and plant equipment. The applicant has invested a significant amount of time and money in developing a revised plant scheme - discussed at length with the Council and put forward under this new application - which has sought to address the concerns of the local authority but will at the same time ensure the restaurant can remain commercially viable. We therefore urge the Council to take a pragmatic and commercial view in the determination of this planning application.



SECTION 6: HERITAGE IMPACT ASSESSMENT

- 6.1 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, although it is only the front of the property which is visible from the public realm.
- 6.2 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.
- 6.3 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.
- 6.4 The appraisal 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.
- 6.5 In respect of the above, it is important to note that this application relates to the provision of plant which will be located primarily 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.

- 6.6 The rear of the building 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.
- 6.7 Notwithstanding this, the scheme proposed by this application has been designed to minimise the size, bulk and visual impact of the plant. As discussed in the preceding sections of this report, the plant scheme now proposed has been significantly reduced and scaled down from that which has been installed at the building, and from the previous proposals submitted. Furthermore, consent has already previously been granted for an extract duct to the rear of the building, and the reconfigured and scaled down extract duct proposed by this application is similar to this in terms of size and location. As such, the principle of a duct of this size and nature, and in this location, has also been accepted by the Council. The only additional items proposed are the supply air duct, and the three air conditioning condensers. The supply air duct will be approximately 2m x 1m in size, located neatly alongside the first floor extension to the building. The condensing units will be mounted to the blank rear wall at third floor level, concealed within a neatly fitted, louvred steel enclosure, which will be painted and designed to blend in with the building. This will therefore fit unobtrusively and subtly onto the building.
- 6.8 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 design and location, will not have any unacceptable impact in visual terms on the character of the Conservation Area or the setting of the adjoining listed building.



SECTION 7: DESIGN AND ACCESS STATEMENT

a) Use

7.1 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.

b) Amount and Scale

7.2 The amount and scale of the proposed plant is required in order to ensure that the unit can be sufficiently air conditioned, 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 overall scale and bulk of both the kitchen extract and supply air ducts have been reduced significantly within the proposed scheme. The removal of the structural steelwork and the neat location and siting of the ductwork also further reduce the scale of the scheme.

7.3 The proposed plant fits neatly onto the rear of the building. It will not significantly alter the overall scale of the building or indeed the nature of the operation taking place.

c) Layout and Appearance

7.4 As described above, the plant to the rear of the building is not visible from any areas of public realm, and under this new proposed scheme has been laid out so that it minimises any impact on the amenity of surrounding residential occupiers, in terms of both noise and visual amenity. The alterations to the "as-built" scheme proposed by this application will ensure that the impact on the appearance of the building is minimised. The condensers will be located within a neatly fitted, painted enclosure on the rear of the building. This has been designed to blend in subtly with the rear of the building and as such, will have minimal impact on the appearance of the building. The proposed supply air duct is modest in scale (measuring approximately 2m x 1m) and will be neatly located alongside the existing first floor extension. This will also, therefore, have limited impact on the appearance of the area. The proposed extract duct will extend up the rear of the building, in line with that already approved at the Council. This will be painted to match the building and is also therefore considered to



be acceptable in visual terms. In any event, 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 duct and plant facilities are already in place.

d) Landscaping

7.5 The application proposals have no impact on landscaping.

e) Access

7.6 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, and via the emergency exit staircase at the front.



SECTION 8: CONCLUSIONS

- 8.1 This application seeks planning consent for the installation of a new scheme 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 plant associated with its ongoing operation.
- 8.2 The plant will be located to the rear of the premises. The Council have already approved an extract duct to the rear of the building, and the extract duct now proposed is very similar in terms of size and scale. The supply air duct and air conditioning condensers have respectively been significantly reduced in scale, redesigned and relocated. As a result, the plant scheme as a whole is considered to be entirely acceptable and will not have any significant detrimental impact on the overall appearance or character of the building. In addition, the rear of the building is entirely hidden from public views and, as such, the plant will have no impact on the character or appearance of the wider Charlotte Street Conservation Area. Instead, it 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.
- 8.3 There will be no impact on the amenity of surrounding residential or office occupiers in visual terms. With regard to noise, appropriate acoustic attenuation measures are proposed which will ensure that there is no detrimental impact in noise terms - either to nearby residential properties or the surrounding offices - as a result of the proposed plant. This has been confirmed by the Noise Report which accompanies this planning application.
- 8.4 In the light of the above, it is considered that the proposals comply with all of the relevant planning policy guidance and are acceptable in all respects. As such, we respectfully request that planning consent is granted.

