

Mr. Mark Shearman  
Firstplan  
Golden Cross House  
8 Duncannon Street  
London  
WC2N 4JF

Application Ref: **2014/7955/P**  
Please ask for: **Neil Luxton**  
Telephone: 020 7974 **6552**

10 June 2015

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted**

Address:  
**70 Charlotte Street**  
**London**  
**W1T 4QG**

Proposal:

Erection of extraction and ventilation ducting and 3x condenser units to rear and ducting and 2x condensers to front basement lightwell.

Drawing Nos: Drawing No. 789-B3-15BLT-01 Rev. A( Existing Roof Plan); Drawing No. 789-B3-15BLT-02 Rev. A (Existing Elevation AA (side elevation)); Drawing No. 789-B3-15BLT-03 Rev. A (Existing Elevation BB (rear elevations)); Drawing No. 789-B3-14PLN-04 (Existing Basement Lightwell plan and elevations);

Drawing No. 789-B3-16PRP-01 Rev. F(Proposed Roof Plan); Drawing No. 789-B3-16PRP-02 Rev.F(Proposed Elevation AA (side elevation)); Drawing No. 789-B3-16PRP-03 Rev. E (Proposed Elevation BB (rear elevation)); Drawing No. 789-B3-16PRP-04 (Proposed Basement lightwell plan and elevations); Drawing No. 789-B3-16PRP-04 \_AXO(2) (Proposed Axonometric drawing); Design and Access Statement; Noise Report; Site Location Plan

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 CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 789-B3-15BLT-01 Rev. A (Existing Roof Plan); Drawing No. 789-B3-15BLT-02 Rev. A (Existing Elevation AA (side elevation)); Drawing No. 789-B3-15BLT-03 Rev. A (Existing Elevation BB (rear elevations)); Drawing No. 789-B3-14PLN-04 (Existing Basement Lightwell plan and elevations); Drawing No. 789-B3-16PRP-01 Rev. F (Proposed Roof Plan); Drawing No. 789-B3-16PRP-02 Rev. F (Proposed Elevation AA (side elevation)); Drawing No. 789-B3-16PRP-03 Rev. E (Proposed Elevation BB (rear elevation)); Drawing No. 789-B3-16PRP-04 (Proposed Basement lightwell plan and elevations); Drawing No. 789-B3-16PRP-04 \_AXO(2) (Proposed Axonometric drawing); Design and Access Statement; Noise Report; Site Location Plan

Reason:

For the avoidance of doubt and in the interest of proper planning.

- 4 Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

a) Details of the louvre to enclose the proposed air condenser units

b) Manufacturer's specification details of the paint (to be submitted to the Local Planning Authority) for the louvre and the ducting

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London

Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 5 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(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 10dB(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 policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 6 Before the use commences, the air-conditioning plant shall be provided with an acoustic enclosure in accordance with the approved noise report. All such measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

#### Informative(s):

- 1 Reasons for granting permission.

The proposal concerns the installation of plant, ducting & condenser units at the rear of the building. The building is a restaurant premise within the Charlotte Street Conservation Area and part of a retail parade. Permission was granted ( ref 2010/1341/P) for change of use of the ground floor and basement of the premises to restaurant with associated plant and ducting at the rear but what was built subsequently did not match the approved drawings. Consequently, an enforcement case (ref: EN12/0744) was opened and is still live pending the outcome of this application. There have been a number of planning applications seeking permission for the scheme as built and then for revised versions of the built scheme. These were refused. The current proposal would reduce the size of the ducting and remove and / or relocate where possible. The extract duct would no longer snake across the roof at first floor as it currently does but pass straight across to the back wall of the main building, whence to continue up the rear wall of the host property to its discharging termination point at roof level. It is proposed to paint it to match the building (conditioned). The air supply duct would be reduced in

size to simply extend up the side of the building with a height of approx. 2m and width of 1m, terminating at the level of the adjacent flat roof. It would be painted to match the building (conditioned). The existing air conditioning condensers would be removed from the first floor flat roof and remounted on the rear wall of the building at third floor within a new stainless steel louvered enclosure painted to match the existing building (conditioned). The result is a more acceptable visual effect given the context of the rear of a commercial premise, within a predominantly commercial area. The proposal would not harm the special interest of the neighbouring listed building No. 72. On balance the proposal would not cause such harm to the Conservation Area or the setting of 72 Charlotte Street to justify refusal.

In terms of residential amenity the Council's Environmental Health Officer is satisfied that the proposal is acceptable and that would not harm local amenities with respect to noise or smells. In terms of outlook and shading, the siting of the plant would only affect the office space above the restaurant and would not be sufficiently harmful to merit refusal.

Nineteen neighbours were consulted and one objection was received on grounds of noise impact to neighbours which has been addressed by the environmental health officer comment. The site's planning history and relevant appeal decisions were taken into account when coming to this decision.

Special regard has been attached to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses under s.66 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such the proposed development is in general accordance with policies CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24, DP25, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies. The proposal also accords with policy 7.4, 7.6 & 7.8 of the London Plan March 2015, consolidated with alterations since 2011 and Paragraphs 14, 17 and 126-141 of the National Planning Policy Framework.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

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 'Ed Watson', written in a cursive style.

Ed Watson  
Director of Culture & Environment