

COMMITTEE REPORT

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ROYAL BOROUGH OF KENSINGTON & CHELSEA

REPORT BY THE EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

PLANNING & CONSERVATION COMMITTEE
PLANNING SERVICES COMMITTEE
DELEGATED

APP NO. PP/03/00658
AGENDA ITEM NO.

ADDRESS/SUBJECT OF REPORT:

Notting Hill Arts
Club, 21, Notting
Hill Gate, London,
W11 3JQ

APPLICATION DATED 04/02/2003

APPLICATION REVISED

APPLICATION COMPLETE 20/03/2003

APPLICANT/AGENT ADDRESS:

Mrs. A. Petersen,
Interior Design,
17 Chetwynd Road,
London
NW5 1BX

CONS. AREA N/A CAPS No

ARTICLE '4' No WARD CAA

LISTED BUILDING No

HBMC DIRECTION

CONSULTED OBJ.

SUPPORT PET.

RECOMMENDED PROPOSAL:

RBK& C DRAWING NO(S):

RECOMMENDED DECISION:

CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:

ROYAL BOROUGH OF KENSINGTON & CHELSEA
REPORT BY EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

AE
DPI

DELEGATED

Date: 14/05/03 15/5/03
APP NO. PP/03/00658/MNW

This application is for a class of development to be determined under powers delegated to me by the Council on 18th July, 2001 and is not a major, controversial or sensitive application nor one which a Ward Councillor has asked to be considered by Planning Services Committee.

Class - 8th Schedule development

RECOMMENDED DECISION: Grant planning permission

I hereby determine and grant this application under the powers delegated to me by the Council, subject to the condition(s) indicated below imposed for the reason(s) appearing thereunder, or for the reasons stated.

Exec. Director, Planning and Conservation

Head of Development Control

Area Planning Officer

hdw
15/5/03

ADDRESS OF SITE:

Notting Hill Arts Club, 21,
Notting Hill Gate, London,
W11 3JQ

APPLICATION DATED 04/02/03

APPLICATION COMPLETE 20/03/03

APPLICANT/AGENT ADDRESS:

Mrs. A. Petersen,
Interior Design,
17 Chetwynd Road,
London
NW5 1BX

APPLICATION REVISED 14/05/03

APPLICANT: David McHugh,

DELEGATED
APPROVAL
15 MAY 2003

CONS AREA N/A CAPS No ART '4' No WARD Campden

LISTED BUILDING No ENG. HERITAGE

CONSULTED 107 OBJ. 0 SUP. 0 PET. 0

PROPOSAL: Installation of two external air conditioning condenser units at rear ground floor level.

RBK&C Drawing No(s): PP/03/00658 and PP/03/00658/A

Applicant's Drawing No(s) D.01, D.02 and three photographs received on 06/02/2003.

CONDITIONS AND REASONS FOR THEIR IMPOSITION

1. **The development hereby permitted shall be begun before the expiration of five years from the date of this permission. (C001)**
Reason - As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions. (R001)
2. **The development hereby permitted shall be carried out exactly and only in accordance with the drawings and other particulars forming part of the permission and there shall be no variation therefrom without the prior written approval of the Local Planning Authority. (C068)**
Reason - The details are considered to be material to the acceptability of the proposals, and for safeguarding the amenity of the area. (R068)
3. **No process shall be carried out, or machinery installed, pursuant to this permission so as to cause detriment to the amenity of adjacent property, or of the immediate area, by reason of noise, vibration, smell, smoke, soot, ash, grit, or electrical interference. (C047)**
Reason - To safeguard the amenity of neighbouring property and the immediate area. (R047)
4. **All work and work of making good shall be finished to match the existing original work in respect of material, colour, texture, and profile and, in the case of brickwork, facebond and pointing unless otherwise approved by the Executive Director, Planning and Conservation in writing. (C071)**
Reason - To ensure a satisfactory standard of external appearance. (R071)
5. **Noise emitted by the external building services plant hereby permitted shall not increase the existing lowest LA90(10min) background noise level at any time when the plant is operating. The noise emitted shall be measured or predicted at 1.0m from the facade of the nearest residential premises. The plant shall be serviced regularly in accordance with the manufacturers instructions and as necessary to ensure that the requirements of the condition are maintained.**
Reason - To safeguard the amenity of neighbouring property and the immediate area. (R047)
6. **The use of the units / plant shall not commence or be installed until a noise survey, report and details of any acoustic enclosure has been submitted to and agreed in writing by the Executive Director of Planning and Conservation, in consultation with the Director of**

Environmental Health.

Reason - To safeguard the amenity of neighbouring property and the immediate area. (R047)

7. **The plant shall be supported on adequate proprietary anti-vibration mounts as necessary to prevent the structural transmission of vibration and regenerated noise within adjacent or adjoining premises, and these shall be so maintained thereafter.**
Reason - To safeguard the amenity of neighbouring property and the immediate area. (R047)
8. **The units shall not operate between the hours of 02.00 and 08.00 and automatic time clocks shall be installed to ensure compliance, and shall be so maintained.**
Reason - To safeguard the amenity of neighbouring property and the immediate area. (R047)
9. **Full particulars of the following shall be submitted to and approved in writing by the Executive Director, Planning and Conservation before the development hereby permitted commences and the development shall not be carried out otherwise than in accordance with the details so approved:**
- (a) **the design and external appearance of any acoustic enclosure.**
 - (b) **the exact positioning of the external plant any acoustic enclosure from the rear facade of the parent building.**
- (C011)**
Reason - The particulars hereby reserved are considered to be material to the acceptability of the development, and the Local Planning Authority wishes to ensure that the details of the development are satisfactory. (R011)

INFORMATIVES

1. I10
2. I38
3. You are advised that a number of relevant policies of the Unitary Development Plan were used in the determination of this case, in particular, Policies CD27, CD40, CD50, CD51 and CD52.
(I51)

1.0 PLANNING CONSIDERATIONS

- 1.1 The main considerations in the determination of this application is the effect on this proposal on the character and appearance of the rear elevation and the terrace of properties of which this one forms a part. Also for consideration is whether the proposal has a detrimental affect on the level of amenity for the surrounding properties.
- 1.2 The relevant policies are contained within the Unitary Development Plan 2002. Policies CD27, CD40, CD50, CD51 and CD52 are of particular relevance to this application.
- 1.3 The application includes the installation and repositioning of two air conditioning units from inside the existing stairwell to the rear flank elevation of the Notting Hill Arts Club at ground floor level. The units are larger than the average and measure approximately 1.20m by 1.0m by 0.50m.
- 1.4 There are numerous other air conditioning units at higher levels on the rear elevation of this property. In terms of the design the air conditioning units are suitably located at a low level on the rear elevation. It is accepted that air conditioning units can detract from the character and appearance of a property, however, in this instance, the units are enclosed at a low level and are in keeping with the location, positioning, rhythm of the rear elevation and as such, comply with the requirements of Policies CD27, CD50 and CD51.
- 1.5 Policy CD40 seeks to resist proposals where the noise generated by the use or activity would cause a material disturbance to occupiers of surrounding properties. In this instance, facade of the nearest residential property is 15.0m away from the proposed location. The Environmental Health Officer has visited this property and is of the opinion that subject to the recommended conditions, the proposed units will not cause a material disturbance to the occupiers of the surrounding properties and as such, this proposal complies with Policies CD40 and CD52.

2.0 CONSULTATION

- 2.1 One hundred and five letters of notification were sent out to properties within Notting Hill Gate and Palace Gardens Terrace.
- 2.2 To date, there have been two letters received in response to this application. The letters are from residents of Powis Gardens Terrace and do not raise any objection to this application, provided the air conditioning units do not create extra noise within the area.

The Environmental Officer has visited this site and does not raise

any objection to this application subject to the recommended conditions.

3.0 RECOMMENDATION

3.1 Grant planning permission.

M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

Background Papers

The contents of file PP/03/00658 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Report Prepared By: IW
Report Approved By: DT/MJF *hany*
Date Report Approved: *15/6/03*