

ROYAL BOROUGH OF KENSINGTON & CHELSEA

REPORT BY THE EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

PLANNING & CONSERVATION COMMITTEE
PLANNING SERVICES COMMITTEE
DELEGATED

APP NO. PP/04/01630 /AP
AGENDA ITEM NO.

ADDRESS/SUBJECT OF REPORT:

CINEMA, 87
Notting Hill Gate,
London, W11 3JZ

APPLICATION DATED 14/07/2004

APPLICATION REVISED

APPLICATION COMPLETE 16/07/2004

APPLICANT/AGENT ADDRESS:

Mark Panter,
Panter Mudspith Architects,
235 Southwark
Bridge Road,
London,
SE1 6NP

CONS. AREA 6 CAPS Yes

ARTICLE '4' No WARD CAA

LISTED BUILDING II

HBMC DIRECTION

CONSULTED OBJ.

SUPPORT PET.

RECOMMENDED PROPOSAL:

RBK& C DRAWING NO(S):

RECOMMENDED DECISION:

CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:

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

Date: 20/08/2004

DELEGATED

APP NO. PP/04/01630/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

ADDRESS OF SITE:

**CINEMA, 87 Notting Hill
Gate, London, W11 3JZ**

APPLICATION DATED

14/07/2004

APPLICATION COMPLETE

16/07/2004

APPLICANT/AGENT ADDRESS:

Mark Panter,
Panter Mudspith Architects,
235 Southwark Bridge Road,
London,
SE1 6NP

APPLICANT: Lyn Goleby,



CONS AREA

Kensington

CAPS Yes

ART '4' No

WARD

Campden

LISTED BUILDING II

ENG. HERITAGE

CONSULTED 28

OBJ. 0

SUP. 0

PET. 0

PROPOSAL: Erection of two air conditioning condenser units to the external wall within the first floor lightwell.

RBK&C Drawing No(s): PP/04/01630

Applicant's Drawing No(s) 4691/U/401, image of condenser unit and one photograph of the lightwell received on 16/07/2004.

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 Executive Director, Planning and Conservation. (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. **Noise emitted by the air-conditioning condenser units, all operating together, 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 façade of the nearest residential window or at 1.2m above any adjacent residential garden, terrace, balcony or patio. The plant shall be serviced regularly in accordance with 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)

4. **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 dwellings, and these shall be so maintained thereafter.**
Reason - To safeguard the amenity of neighbouring property and the immediate area. (R047)

5. **The air conditioning units hereby approved shall not be in operation between 0100 hours and 0800 hours. (C045)**
Reason - To safeguard the amenity of neighbouring property. (R042)

INFORMATIVES

1. I10
2. I11
3. I38

DELEGATED REPORT PP/04/01630

1.0 PLANNING CONSIDERATIONS

- 1.1 The main considerations in the determination of this application is the effect of this proposal on the character and appearance of this listed building, the impact on the surrounding properties and the Kensington Conservation Area as a whole. Also for consideration is whether the proposal has a detrimental impact on the amenities of nearby residential properties.
- 1.2 The relevant policies are contained within the Unitary Development Plan 2002. Policies CD27, CD40, CD50, CD52, CD61, CD62 and CD66 are of particular relevance to this application.
- 1.3 The proposal includes the erection of two air conditioning condenser units to the external wall within the rear lightwell at first floor level. The air conditioning units are surrounded on all sides by the existing retail and cinema buildings.
- 1.4 In terms of the design, the proposal is not considered to harm the character, appearance, scale, proportion and rhythm of the rear elevation of this property, being sensitive to the listed building and the surrounding properties. The proposal is not considered to negatively impact on the outlook from properties along Notting Hill Gate or Uxbridge Street and will not be visible from street level. In light of this, the proposal complies with the requirements of CD27, CD50, CD61 and CD62.
- 1.5 Policies CD40 and CD52 seeks to resist proposals where the noise generated would cause a material disturbance to the occupiers of surrounding properties. In this particular instance the Environmental Health Officer has visited this site and is of the opinion that subject to the recommended conditions the proposal would not have a harmful impact on the amenity of the surrounding properties. Therefore, on balance, the proposal complies with CD40 and CD52.
- 1.6 The Conservation and Design Officer has visited the site and is of the opinion that no harm will be caused by the additional air conditioning units. Listed Building Consent has already been granted for the proposed units on 4th August 2004 (ref PB/04/1269)

2.0 CONSULTATION

- 2.1 Twenty seven letters of notification were sent out to properties within Notting Hill Gate, Uxbridge Street, Hillgate Street and Farmer Street and a site notice was displayed outside this property.
- 2.2 To date, no letters have been received in response to this

application.

3.0 RECOMMENDATION

3.1 Grant planning permission.

**M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION**

Background Papers

The contents of file PP/04/01630 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Report Prepared By: IW
Report Approved By: ~~DI/DAW~~ SG | laws
Date Report Approved: 23/8/00