

R.B.K.C.  
APPROVED BY  
24 MAR 2000

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ROYAL BOROUGH OF KENSINGTON & CHELSEA

REPORT BY EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

PLANNING SERVICES COMMITTEE 21/03/2000 APP NO. PP/99/02544/MNW/50  
AGENDA ITEM NO. 4044

ADDRESS

HSBC Bank,  
237 Brompton Road,  
Chelsea, SW3 2ER

APPLICATION DATED 08/12/1999

RECOMMENDATION  
ADOPTED.

APPLICATION COMPLETE 16/12/1999

APPLICATION REVISED

APPLICANT/AGENT ADDRESS: CONSERVATION AREA Thurloe and CAPS Yes  
Smith's  
Charity  
Weatherall Green ARTICLE '4' No WARD Hans Town  
& Smith,  
22 Chancery Lane,  
London LISTED BUILDING NO  
WC2A 1LT HBMC DIRECTION N/A  
CONSULTED 25 OBJECTIONS 2  
SUPPORT 0 PETITION 0

Applicant HSBC

PROPOSAL:

Retention of one additional air conditioning condenser unit to rear of premises at basement level.

RBK&C Drawing No(s): PP/99/02544  
Applicant's Drawing No(s): TSL/BRC1

RECOMMENDED DECISION: Grant planning permission

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CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:

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 air conditioning unit hereby permitted shall not operate between 19.00 hours Mondays to Saturdays and 09.00 hours the following day and between 17.00 hours Sundays and Public Holidays and 11.00 hours the following day on Sundays and Public Holidays.**  
*Reason - To safeguard the amenities of neighbouring properties.*
  
3.       **The air conditioning unit(s) hereby permitted shall operate at no more than 2dB (A) above the lowest background level when measured one metre from the facade of the nearest residential property. The units shall be serviced regularly in accordance with manufacturer's instructions, or as necessary to ensure that the requirements of the condition are met. (C57a)**  
*Reason - To safeguard the amenities of neighbouring properties.*

INFORMATIVES

1.       I09
  
2.       I10
  
3.       I21

**1.0 THE SITE**

- 1.1 The site is situated on the southern side of Brompton Road with the rear of the building facing onto Egerton Gardens. It is used as a Bank on the basement and ground floors and residential flats on the upper floors.
- 1.3 The property is not a listed building, but is within the Thurloe/ Smiths Charity Conservation Area.

**2.0 THE PROPOSAL**

- 2.1 This application seeks permission for the retention of an additional air conditioning unit in the basement lightwell on the Egerton Gardens frontage. The unit measures 870 mm by 650mm by 326 mm in dimensions. There are three other existing units at basement level.

**3.0 RELEVANT PLANNING HISTORY**

- 3.1 In 1995 planning permission was granted for the resiting of the air conditioning units on the Egerton Gardens elevation.

**4.0 PLANNING CONSIDERATIONS**

- 4.1 The main considerations in this case, is the impact of the air conditioning unit on the amenities of occupiers of neighbouring properties and secondly, its impact on the character and appearance of the Conservation Area.
- 4.2 The relevant policies of the Unitary Development Plan are as follows:
- CD25 (High standard of design)
  - CD34 (Noise)
  - CD44 (To permit alterations only where the external appearance is not harmed)
  - CD48 (Preserving and Enhancing the Character of Conservation Areas)
  - CD52 (Development in Conservation Areas)
  - CD53 (Development in Conservation Areas - high standards of design)
- 4.3 The impact of the unit on the amenity of the adjoining residential units needs to be considered. In particular, Policy CD34 is to resist proposals where the noise generated would cause significant disturbance to surrounding properties.
- 4.4 The unit is located at basement level adjacent to three existing units. There are residential properties located on the upper floors of this building and the adjoining buildings. The Council's Environmental Health Officer is satisfied that the additional noise which will be generated by the one additional unit will be 1.0dB which he considers to be acceptable. It is recommended that

conditions are attached to any permission requiring that the unit shall not be operated during night hours and to limit the noise emitted. It is considered that the proposed unit will not cause undue noise and disturbance to adjoining occupiers and therefore complies with Policy CD34.

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- 4.5 Secondly, it needs to be assessed what impact the additional air conditioning unit has upon the character and appearance of the conservation area. The relevant policies are CD25, CD48, CD52 and CD53 as noted above. In particular, the policies CD52 and CD53 seek to maintain and enhance the character and appearance of the Borough and its conservation areas.
- 4.6 The unit is situated in the basement lightwell to Egerton Gardens. It is located underneath the platform providing access to the ground floor and so it is not prominent when viewed from the street. Given the discreet location of the air conditioning unit, it is not considered that it causes harm to the character or appearance of the conservation area and to the surrounding area. It is therefore considered to comply with the relevant polices, in particular Policies CD52 and 53.

#### 5.0 PUBLIC CONSULTATION

5.1 Twenty four occupiers of neighbouring properties in Brompton Road and Egerton Gardens were notified of this application. To date, two letters of objection have been received from occupiers of the neighbouring building. The objections can be classified as follows;

5.2 First, the occupiers comment that the commercial units should not adversely affect the residential nature of the area and state that there is space to install units at the front of the property

It is recognised that the provision of air conditioning units near to residential accommodation may not generally be viewed as welcome, however the Council's Environmental Health officer is satisfied that the unit will not cause noise nuisance to nearby occupiers. In addition, it is considered that the basement lightwell is a more discreet location for the unit than at the front of the property onto Brompton Road.

5.3 Secondly, occupiers are concerned that this unit will add to unacceptable noise levels and odours.

The Council's Environmental Health Officer is satisfied that the proposed unit will not cause disturbance to nearby occupiers. In addition, it is recommended that conditions are added to any permission to restrict noise levels and limit the hours of operation.

5.4 Finally, it is requested by an objector that a decision on the proposal be held off until decision made regarding installation of further air conditioning units in basement of no 63 (adjoining property) is made.

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There is a planning application (PP/00/225) for the retention of four air conditioning units in the front basement to the adjoining property. However, since these are existing units which have already been installed the Council's Environmental Health officer has been able to take their impact into account when assessing noise levels for the unit which is the subject of this application.

## **6.0 RECOMMENDATION**

6.1 . Grant planning permission.

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

### **List of Background Papers:**

**The contents of file PP/99/02544 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.**

**Report Prepared By: SG**  
**Report Approved By: BC/LAWJ**  
**Date Report Approved: 07/03/2000**

**PSC00.03/SG.REP**

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**ADDENDUM REPORT BY THE EXECUTIVE DIRECTOR, PLANNING &  
CONSERVATION  
PLANNING SERVICES COMMITTEE  
21st MARCH 2000**

The Planning Services Committee is asked to note and agree the following amendments to the Committee reports for the **SOUTH EAST** area team.

R.B.K.C.  
APPROVED  
THE COUNCIL  
21 MAR 2000

AGENDA ITEM 4044 237 BROMPTON ROAD, SW3

Please substitute the following Condition for Condition 2:

The air conditioning unit hereby permitted shall not operate between the following times:

- (i) 19.00 hours and 09.00 hours the following day on Mondays to Fridays; or
- (ii) 19.00 hours and 11.00 hours the following day on Saturdays; or
- (iii) 17.00 hours and 09.00 hours the following day on Sundays and Public Holidays provided that if the day following Sunday is a Public Holiday the air conditioning unit shall not operate until 11.00 hours on the day following Sunday.