

Delegated Report		Analysis sheet	Expiry Date:	08/11/2023
		N/A / attached	Consultation Expiry Date:	22/10/2023
Officer			Application Number(s)	
Matthew Dempsey			2023/3319/P	
Application Address			Drawing Numbers	
76 Neal Street Covent Garden London WC2H 9PA			Please refer to Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Installation of ventilation system at basement with flue duct to the rear-side elevation.				
Recommendation(s):		Refuse Planning Permission		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	11	No. of objections	11
Summary of consultation responses:	<p>A site notice was displayed 22/09/2023, which expired 16/10/2023. A press notice was published 28/09/2023, which expired 22/10/2023.</p> <p>11 Responses were received from local residents who have objected to the proposals. Their concerns can be summarised as follows:</p> <ul style="list-style-type: none"> • Noise nuisance impacts from the ventilation/ extraction system. • Fumes and odours from the ventilation/ extract system. • Unsightly appearance of the installation. • Negative impacts on the Conservation Area. • Proximity to residential properties. • Site history of non-compliance with planning obligations/ requirements. • Over proliferation of food preparation premises in the area. • Hours of operation. 					
Covent Garden Community Association (CGCA)	<p>The CGCA responded to consultation and objected to the proposals. Their concerns can be summarised as follows:</p> <ul style="list-style-type: none"> • Appearance of the installation. • Design is inappropriate for the conservation area. • Location of the flue. • Height of the flue. • Hours of operation. • Maintenance of the ventilation/ extraction system. • Noise, fumes and odours. • Site history of non-compliance with planning obligations/ requirements. • Maintenance conditions would be required. 					

Site Description

The host building is a mixed use 6 storey plus basement property fronting the commercial parade of Neal Street. The ground and basement floors are in commercial use. The upper floors are in residential use. At the rear of the property there is an existing external metal fire escape stair case serving residential flats. There is also an enclosed internal rear stair well with spiral stair from basement to ground floor serving the commercial unit.

The property is not listed, but is located within the Covent Garden (Seven Dials) Conservation Area.

Relevant History

2014/4417/P - Change of use of 2nd and 3rd floors from office (B1a) to 2 x 1 bedroom flats. **Granted Subject to a Section 106 Legal Agreement 05/12/2014.**

2015/5354/P - Change of use from office (B1) to 1x bedroom flat (C3) at 1st floor level. **Granted Subject to a Section 106 Legal Agreement 21/10/2016.**

2015/5386/P - Installation of a lift overrun and 0.9m metal safety handrail at 5th floor roof level. **Granted 23/11/2015.**

2019/0934/P - Installation of aluminium framed doors and glazing to shopfront. **Granted 01/10/2019.**

Relevant policies

National Planning Policy Framework (2023)

The London Plan (2021)

Camden Local Plan (2017)

A1 Managing the impact of development

A4 Noise and vibration

D1 Design

D2 Heritage

Camden Planning Guidance

CPG Amenity (2021)

CPG Design (2021)

Seven Dials (Covent Garden) Conservation Area Statement (1998)

Assessment

1.0 Proposal

- 1.1 Planning permission is sought for the installation of a ventilation system with extract flue fitted to the rear.
- 1.2 The works would facilitate installation of a commercial kitchen to the basement level of the premises.
- 1.3 The proposed flue would be fitted to the rear side elevation, with the flue release point adjacent to an existing fire escape at the host property.

2.0 Revision:

- 2.1 The scheme was revised during the assessment to re-position the flue from the rear side elevation to be housed within the enclosed rear stair well, but with the flue release point in a similar location.
- 2.2 A further revision was submitted to propose a brick block cladding to the flue.
- 2.3 The revisions made to the scheme did not significantly affect the scheme and as such were accepted as amendments under the ongoing application.

3.0 Assessment:

3.1 The main planning considerations in the determination of this application are:

- Design and heritage
- Amenity

4.0 Design and heritage:

- 4.1 The Council's policy D1 aims to ensure the highest design standards for developments and states that the Council will require all developments to be of the highest standard of design and to respect the character, setting, form and scale of neighbouring buildings and the character and proportions of the existing building. policy D2 'Heritage' states that to maintain the character of Camden's conservation areas and listed buildings, the Council will not permit development within the conservation area or for listed buildings that fails to preserve or enhance the character and appearance of that conservation area and the special interest of the listed building, unless the public benefits outweigh the harm.
- 4.2 The proposed development as revised would include the installation of an extract flue to the enclosed rear stair well with the flue release point approximately 2.5m above the stairwell roof.
- 4.3 The revised design would include brick block cladding to the flue. Detail of the proposed cladding is limited, however it is understood the intention would be to disguise the flue as a more traditional chimney stack. However, this is not the location that a chimney stack would normally be found on the building, so the addition appears as a jarring addition the building at odds with the character of the buildings in the area which all contribute to significance of the Conservation Area.
- 4.4 It is noted that the release point of the flue is well beneath the main roof line of the host building and its immediate neighbours. The proposed flue release point would effectively be at approximately 2nd floor level, 4 floors beneath the main roof level. This further adds to

the awkward appearance in design terms, and a flue, whether or not disguised as a brick stack, would not be appropriate in this location.

- 4.5 As shown on the applicant's drawings, the flue release point would be positioned in close proximity to sensitive receptors within the host building and to neighbouring properties on all sides.
- 4.6 Paragraph 9.13 of CPG Design states; "Where mechanical or passive ventilation is required to remove odour emissions, the release point for odours must be located above the roofline of the building and, wherever possible, adjacent buildings.
- 4.7 Despite revisions to the proposed installation, including the proposed brick cladding, the position of the flue release is considered to be unsuitable and incongruous in this location.
- 4.8 Given the assessment above, the proposal is considered contrary to Design and Heritage policies.

5.0 Amenity:

- 5.1 The Council's policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Policy A1 seeks to ensure that development protects the quality of life of occupiers and neighbours by stating that the Council will only grant permission for development that would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise, impact on daylight and sunlight, odour, fumes and dust.
- 5.2 The applicant has provided a noise impact assessment in relation to the proposed plant, which has been checked by the Council's Environmental Health Officer who has accepted the details provided in relation to noise.
- 5.3 The applicant has failed to provide a suitably comprehensive odour control assessment to demonstrate that the development could occur without causing harm to neighbouring residential amenity in terms of fumes and odours.
- 5.4 As noted by several objections, given the close proximity of the flue release point to sensitive receptors, it is considered vital that a comprehensive assessment of odour controls is necessary to ensure that residential amenity is protected. Notwithstanding this requirement, as noted above the location of the flue release point as proposed is not considered suitable.
- 5.5 Given the assessment above, the proposal is considered contrary to the Council's policy to protect Amenity.

6.0 Recommendation:

- 6.1 Refuse planning permission for the following reasons:

1 The proposed installation of an extract flue duct to the rear by reasons of the design, materials, location, size and release point, would constitute an incongruous addition harming the character and appearance host property, rear courtyards and the wider Seven Dials Conservation Area. The proposal would therefore be contrary to polices D1 and D2 of the Camden Local Plan 2017.

2 The proposed installation of ventilation required to remove odour emissions would be installed with the release point below the roof line. The applicant has also failed to demonstrate by way of a suitably comprehensive odour control assessment that the

ventilation system and extract flue would comply with the council's standards on odour control and it is therefore likely that the installation would cause harm to local residential amenity, contrary to policy A1 (Managing the impact of development) and D1 (Design) of the London Borough of Camden Local Plan 2017.