

Delegated Report		Analysis sheet	Expiry Date:	04/03/2013
		N/A	Consultation Expiry Date:	14/02/2013
Officer			Application Number(s)	
Nicola Tulley			2012/6439/P & 2012/6514/L	
Application Address			Drawing Numbers	
56 Goodge Street London W1T 4NB			See draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Installation of flue and replacement plant equipment to rear in connection with existing restaurant (Class A3).				
Recommendation(s):		Refuse permission Refuse listed building consent		
Application Type:		Full Planning Permission Listed Building Consent		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	13	No. of responses	00	No. of objections	00
			No. electronic	00		
Summary of consultation responses:	<p>A site notice was displayed from 16/01/2013 top 06/02/2013. A notice was placed in the Ham & High on 24/01/2013.</p> <p><u>7 Letters of support were received from residents and employees</u> in the local area, the following comments are noted:</p> <ul style="list-style-type: none"> • It is understood that the building is listed but residents implore the Council to allow installation. The noise and smell are intolerable. • If it will minimise noise and fumes at the back of Phillips House then it has residents support; • Any harm incurred can hardly be weighted against the benefit of reducing noise and smell. <p><u>Officers response</u> See assessment below.</p>					
CAAC/Local groups* comments: *Please Specify	<p><u>Charlotte Street CAAC have raised the following objection:</u></p> <p><u>Charlotte Street Association have raised the following objection:</u> The proposed flue is larger and more prominent than that previously existing The proposed flue is much larger and more prominent than that previously existing which was removed as a result of enforcement action on the grounds that it was detrimental to the setting of this listed building.</p> <p>The proposed flue would be very prominent and visible from many view points along Goodge Place to the detriment of the quality and character of the Conservation Area.</p> <p>The flue should either be located internally or an elegant purpose designed flue of an appropriate material be provided.</p> <p><u>Officers response</u> See assessment below. uilding and the Conservation Area as a whole.</p>					

Site Description

The application site is a Georgian town house c1760. It comprises basement, ground floors in use as a restaurant with three floors over in residential use. It is located on the north side of Gower Street within a parade that extends from Cleveland Street to the west and Goodge Place to the east. The parade includes a mix of shops, cafes and restaurants at ground floor level and office or residential use of upper floors.

The boundary between L.B. Camden and the City of Westminster runs along the centre of Goodge Street in front of the parade that includes the application site. The building is grade II listed and falls within the Charlotte Street Conservation Area.

Relevant History

Application site

Full planning application and listed building consent, references 2007/5960/P & 2007/5962/L, granted on 19/03/2008 for replacement of the existing extract duct extending the full height of the rear elevation with a new extract system on the roof of the existing single storey rear extension in association with the existing use of the ground floor as a Class A3 restaurant.

This permission and consent was granted following an enforcement notice issued to remove the extract duct, reference EN07/0371. The notice was appealed and later dismissed by the Planning Inspectorate.

Full planning application and listed building consent, references 2007/2263/P & 2007/3128/L, granted on 22/08/2007 for installation of a new shop front to existing restaurant and internal alterations.

Full planning application, reference PS9804738R1, was granted on 09/12/1998 for the conversion of the upper floors to three self – contained flats together with the erection of a roof extension on the rear part of the roof and the formation of a new entrance door at street level.

Full planning application and listed building consent, references PS9904345 & LS9904355, was granted on 24/06/1999 for Alterations in connection with the change of use of the first, second and third floors from a single family dwelling to three one bedroom flats together with the installation of a new shopfront, the formation of a new entrance door at street level, the installation of a new sash window to the front at second floor level and at rear third floor level and works of refurbishment.

54 Goodge Street

Full planning application, reference 2012/5843/P, registered for installation of extract duct on rear elevation to roof level in connection with existing restaurant (Class A3). (extract duct has been repositioned on the rear elevation). Decision pending.

Relevant policies

National Planning Policy Framework 2012

The London Plan: Spatial Development Strategy for Greater London: 2011

LDF Core Strategy and Development Policies 2010

Core Policies

CS5 Managing the impact of growth and development

CS14 Promoting high quality places and conserving our heritage

Development Policies

DP24 Securing high quality design

DP25 Conserving Camden's Heritage

DP26 Managing the impact of development on occupiers and neighbours

DP28 Noise and vibration

Camden Planning Guidance 2011

Assessment

Proposal & background

The application site relates to a four storey terraced building and basement on Goodge Street, Grade II Listed. This former house now comprises of a restaurant at ground floor level with residential accommodation above.

The site has a long planning and environmental health history. Planning permission and listed building consent were granted in early 2008 for the removal of the existing extract duct which extended the full height of the rear elevation with a replacement extract system on the roof of the existing single storey rear extension in association with the existing use of the ground floor as a Class A3 restaurant. The high level flue had been subject to an enforcement notice (EN07/0371) due to its incongruous appearance and unacceptable impact on the external appearance of the listed building. The notice was appealed but subsequently dismissed. The low level extract system approved (2007/5960/P & 2007/5962/L) is not performing adequately, creating a noise nuisance and odours in the local area.

The site is adjacent to number 54 Goodge Street (not listed) which has experienced similar problems affecting neighbouring amenity. An application has been submitted and is currently being assessed.

Officers have been working closely with Environmental Health officers to find solutions to the problems associated with the extract systems at both numbers 54 and 56 Goodge Street. At this application site, conservation officers had requested further information prior to submission regarding the possibility of an internal flue and if this were not possible serious consideration to the location of an external flue and detailed design so as to minimise its visual impact.

An application for full planning and listed building consent for a replacement extract system have been submitted without further correspondence with conservation and environmental health officers.

Design & appearance

The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions to existing buildings are proposed. The following considerations contained within policy DP24 are relevant to the application: development should consider the character, setting, context and the form and scale of neighbouring buildings; development should consider the character and proportions of the existing building, where extensions and alterations are proposed; developments should consider the quality of materials to be used.

Development policy DP25 'Conserving Camden's Heritage' states that within conservation areas, the Council will only grant permission for development that preserves and enhances the character and appearance of the conservation area. The subject building is Grade II Listed and therefore alterations will only be granted where they would not cause harm to the special interest of the building.

The extract equipment and associated ductwork would be sit on the flat roof of the existing single storey rear extension with a high level flue affixed to the rear wall of the building, left of the first floor bay window expelling close to roof level. It should be noted that the submitted drawings do not provide details of how the extract flue would be affixed to the rear wall of the building nor do they illustrate the proposed relationship of the building and external flue at roof level. The Plant Noise Impact Assessment produced by Noise Solutions Ltd dated 7th January 2013 states that the following design measures will be incorporated into the design: anti-vibration isolation (mounts); acoustic lagging; rectangular ductwork; and fan noise breakout. Full details of these measures have not been provided.

Conservation and design officers note that the size, location and design of the external flue is almost identical to the one removed in 2008 which was considered unacceptable to the Council in terms of its impact on the appearance and special interest of the listed building. The submitted documentation suggests that an internal route would not be possible however, this has not been robustly explained or justified for officers to weigh up the relative harm internally to an external installation.

The proposed flue would be particularly dominant on the rear elevation of the listed building particularly as it appears to rise at roof level in line with the rear wall in comparison with the sloped mansard storey. Paragraph 24.18 of policy DP24 clearly states that building services equipment should be contained within the envelope of the existing building or be located in a visually inconspicuous location. Firstly, with the limited information submitted officers cannot assess whether an internal route would be possible and secondly, no efforts have been made to lessen the impact of the proposed external flue on the rear elevation of the listed building.

Charlotte Street CAAMS note the current issues facing the conservation area that can have a detrimental impact either cumulatively or individually on the character and appearance of the area, this includes the addition of roof level plant including external ducts that detract from both the building and character and appearance of the area. Paragraph 13.24 of the Charlotte Street CAAMS notes that there are many interesting examples of historic rear elevations and par 13.27 states that the Council will have regard to the feasibility of installing external flues so that the position, particularly in visually sensitive locations will protect local amenity and preserve the character and appearance of the conservation area.

The NPPF paragraph 134 is clear in that *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”* It is understood that this application has been submitted in response to Environmental Health requesting a solution to noise impacts and odours that affect neighbouring occupiers/owners. Nonetheless, it is the Council's responsibility to ensure that all the options have been fully explored at the site to ensure that the impact on the appearance and special interest on the listed building is lessened as much as possible. The recent application (2012/5843/P) at 54 Goodge Street included extensive dialogue regarding the shape, location and colour of the flue and by contrast the flue proposed is a standard 600mm square unit in galvanised steel.

Given the above officers consider that the proposed external flue would have a significant harmful impact on the rear elevation of the listed building and character and appearance of the conservation area due to its height, size, positioning and materials contrary to policies CS5; CS14; DP24 and DP25 of Camden's LDF.

Amenity

Development Policy DP26 and DP28 seek to ensure that the amenities of occupiers and neighbouring occupiers are not unduly affected by loss of daylight/sunlight, sense of enclosure, or noise and vibration. A Plant Noise Impact Assessment produced by Noise Solutions Ltd dated 7th January 2013 was submitted with the application. The following text outlines the scope and findings of the report.

A noise survey was undertaken on the flat roof of the roof area to the rear of the building. At the time all plant was operating under normal conditions but with the ventilation plant being switched off automatically at night. The lowest background noise level just before the existing extract and supply systems switched on was measured to be 44db. As such the assessors conclude that the cumulative noise levels should not exceed 39db at the nearest noise sensitive windows.

It is noted that the kitchen extract and supply systems operate between 07:00 – 10:00 and 22:30 – 23:00 each day. The nearest noise sensitive receptor is considered 3m from the kitchen extract discharge. Cumulative noise levels from the supply and extract systems have been predicted at the nearest noise sensitive receptor based on the manufacturer information given. Noise levels have been predicted taking into account system losses. The noise level predictions have demonstrated that the

emissions from the supply and extract terminations would be 5db below minimum background noise level with design measures incorporated.

Camden's Environmental Health officers have commented on the application. Firstly it is noted that the information provided in the acoustic report illustrates a degree of fluctuation, from the discharge at 1m and therefore illustrates a degree of tonality. Officer's usually require manufacturer information; octave band data, to clarify tonality. The design criteria set for 54 Goodge Street is 34db whereas in this instance the specified design criterion is 39db. The applicant is required to consider the cumulative impact of the two extracts operating simultaneously at differing frequencies. At the aforesaid design criteria, the two extracts would produce a combined noise level at 40dB and therefore will not suitably satisfy the Councils Noise and Vibration Policy DP28. Therefore, Environmental Health officers strongly recommend that the plant be designed to achieve 10dB below the back ground.

Given that the extract system proposed would fail to meet the requirements of policy DP28 it is not considered that the new extract system proposed would not harm the amenities of neighbouring occupiers contrary to policies CS5; DP26 and DP28 of Camden's LDF.

Conclusion

In summary the proposed installation of flue and plant equipment at the application site is considered unacceptable for the reasons outlined above contrary to policies CS5, CS14, DP24, DP25, DP26 and DP28 of Camden's LDF.

NB. The applicant and agent were notified at the outset that conservation and environmental health officers would be happy to provide detailed advice prior to submission. The agent has been made aware of officer recommendation to refuse and welcome further dialogue to resolve the issues raised within this assessment.

Recommendation

Refuse permission and listed building consent.

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