

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>18/09/2006</b>	
		N/A / attached		<b>Consultation Expiry Date:</b>		<b>28/08/2006</b>	
<b>Officer</b>				<b>Application Number(s)</b>			
Elaine Quigley				(i) 2005/3404/P (ii) 2005/3405/L			
<b>Application Address</b>				<b>Drawing Numbers</b>			
51 Marchmont Street London WC1N 1AP				See draft decision notices			
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>				
<b>Proposal(s)</b>							
(i) Retention of ventilation flue on rear elevation in connection with the basement and ground floor restaurant. (ii) Retention of ventilation flue on rear elevation in connection with the basement and ground floor restaurant.							
<b>Recommendation(s):</b>		(i) Grant planning permission subject to conditions (ii) Grant listed building consent subject to conditions					
<b>Application Type:</b>		Full Planning Permission Listed Building Consent					
<b>Conditions:</b>		Refer to Draft Decision Notice					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	<b>39</b>	No. of responses No. electronic	<b>00</b> <b>00</b>	No. of objections	<b>00</b>
<b>Summary of consultation responses:</b>		None received					
<b>CAAC/Local groups comments:</b>		Bloomsbury CAAC – comment Pity the flue has to be placed on the back of a listed building. Does it have to be this big?					
<b>Site Description</b>							
<p>The application site is located on the west side of Marchmont Street. It comprises a mid-terrace 4-storey property in a row of 18 buildings that are Grade II listed buildings. The basement and ground floor is occupied by a restaurant (Chinese Palace). The building is within the Bloomsbury Conservation Area.</p> <p>To the west of the site lies the Herbrand Estate, which comprises 8 blocks of residential flats that front onto Herbrand Street. The estate lies just to the west of the conservation area boundary. To the north lies a row of 15 x 4-storey terrace properties that are also Grade II listed and mainly comprise commercial units on the ground floor with residential above. The Brunswick Centre lies to the southeast.</p>							
<b>Relevant History</b>							
The application was submitted following a complaint that was received from a neighbouring resident on 10/09/2004 that a new extract flue had been installed at the back of the building. The information was passed to the enforcement team to investigate on 13/09/2004 (EN04/0830). The application was submitted on 09/08/2005 but was not made valid until 24/07/2006. The enforcement investigation has been held in abeyance pending the determination of these applications.							

## Relevant policies

### Replacement Unitary Development Plan 2006

SD6 Amenity for Occupiers and Neighbours  
SD7 Light, Noise and Vibration Pollution  
SD8 Disturbance  
B1 General design principles  
B3 Alterations and extensions  
B6 Listed buildings  
B7 Conservation areas  
Appendix 1 Noise and vibration thresholds

### Camden Planning Guidance 2006

#### Bloomsbury CAS

### LDF Core Strategy and Development Policies

*As the draft LDF Core Strategy and Development Policies documents have now been published, they are material planning considerations. However, as a matter of law, limited weight should be attached to them at this stage.*

CS5 Managing the impact of growth and development  
CS14 Promoting high quality places and conserving our heritage

DP24 Securing high quality design  
DP25 Conserving Camden's heritage  
DP26 Managing the impact of development on occupiers and neighbours  
DP28 Noise and vibration

## Assessment

Planning permission and listed building consent are sought for the retention of ventilation flue on the rear in connection with the restaurant at basement and ground floor level. The flue runs up the rear façade of the building from first floor level to approx 2m above the second floor parapet. It runs internally at basement and ground floor levels within the rear addition. The flue has been painted black since its installation.

The main issues to be considered as part of the proposal are:

- Listed building and conservation area
- Amenity – noise

### Listed building and conservation area

Extract systems associated with restaurant and take-away uses would normally be required to be designed to have minimal impact on the historic fabric of a listed building and minimal visual impact on the surrounding area. Concern was initially raised by the Council's Conservation and Urban Design Team relating to the size, design and appearance of the installed flue and its impact on the special character of the listed building. Alternative options for discharging kitchen air that could have less of an impact on the buildings character were discussed with the Council's Environmental Health Team.

#### (i) Need for a high flue

They advised that an alternative low level flue would not be encouraged, as they create a much higher risk in terms of noise and odour to neighbouring residential properties than high level flues. Given the building's location and the fact that the upper floors of the host building and adjoining buildings are in residential use, a high flue would be the preferred option. The flue height is required to ensure that any smells are discharged at a high level to prevent odour nuisance to adjoining residents.

#### (ii) Size of flue and silencer

The size of the flue and silencer were also discussed, and Environmental Health advised that it was necessary in order to meet the standard noise requirements.

Taking these factors into account, it is considered that alternative options for the flue have been investigated and the existing flue would be the most appropriate option to minimise noise and odour disturbance to adjoining residents. Although the flue is an unfortunate additional piece of equipment on the rear elevation of a listed building, it is considered [following extensive discussions between planning, conservation and environmental health officers] to be the optimum solution, and therefore a necessary requirement to ensure that the existing

use can continue to operate without adverse impact on adjoining residents in this regard. Within this context, it has been accepted in terms of its impact on the listed building.

The views of the rear elevation of the building are mainly limited to the adjoining properties within Herbrand Estate. There are other high level flues within this part of Marchmont Street, notably at nos. 53 and 59. Although the height and design of the flue is not ideal, it would be of a similar appearance to other high level flues. Within this context, it can be considered to preserve the character or appearance of this part of the conservation area.

#### **Amenity – noise**

A complaint was originally received from a resident in Herbrand Estate relating to noise from the flue and associated equipment. An acoustic report was submitted with the application that confirmed that the flue marginally exceeds the Council's noise criteria. However, the Council's Environmental Health Team has advised that, although the flue would not strictly comply with the minimum noise requirements no further works could be undertaken to the flue due to existing constraints. Therefore, providing the ventilation equipment is turned off between the hours of 12:00 midnight and 08:00 hrs there would be no further objection to the application. A condition would be attached to ensure that this would be undertaken.

It must be noted that complaints have been received by the Council's Environmental Health Team in 2008 relating to the application site. However, these do not appear to be specifically associated with the existing flue.

#### **Conclusion**

Grant planning permission and listed building consent.

#### **Disclaimer**

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