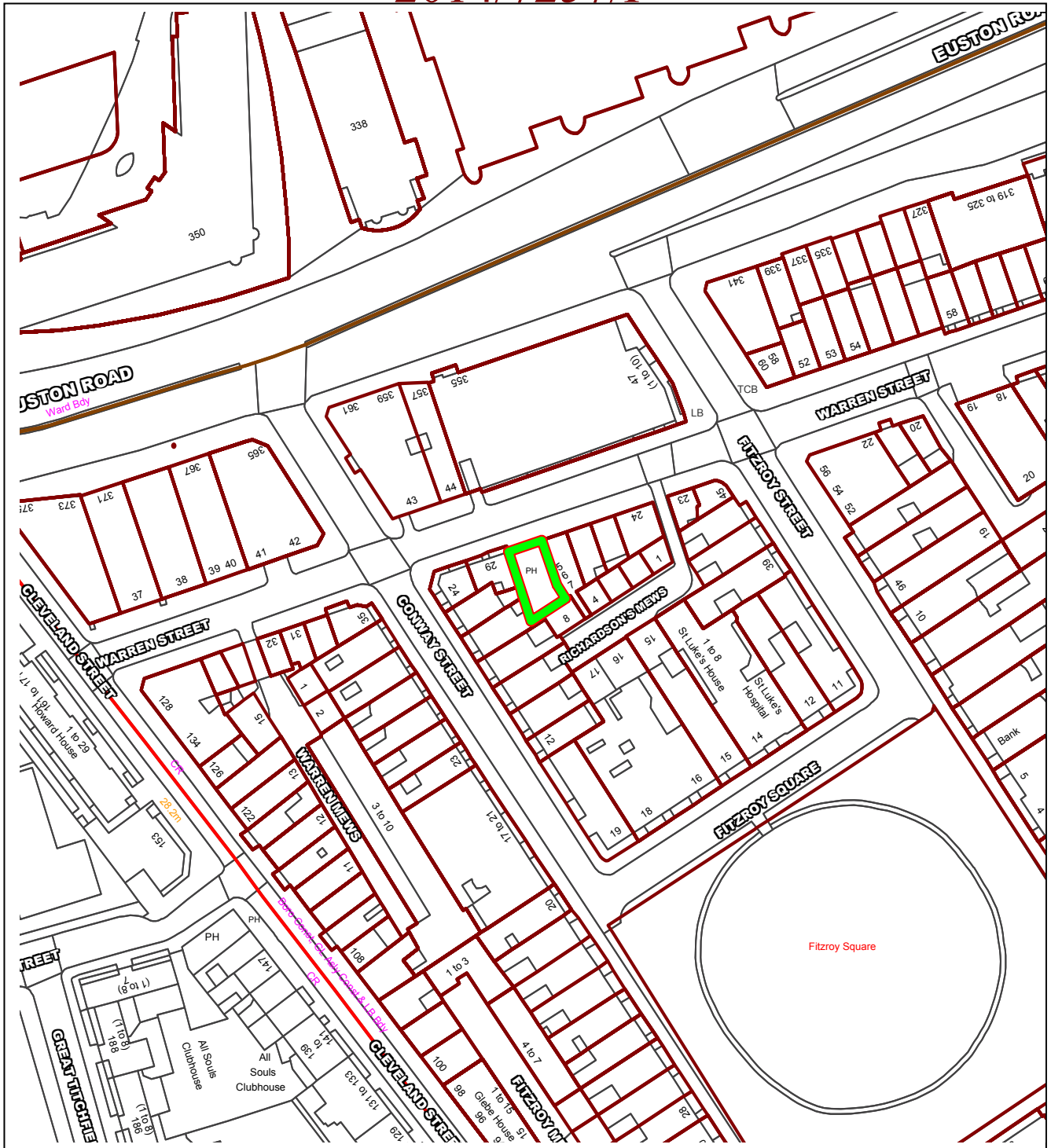


Smugglers Tavern, 28 Warren Street 2014/7257/P



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Site photos



Aerial image of the rear of 28 Warren Street showing relationship with rear of properties on Conway Street (at the top of image) and properties on Richardsons Mews to the south



View of rear elevation of 28 Warren Street



View towards rear of properties on Conway Street



View of first floor roof and rear elevation of 28 Warren Street (from 20 Conway Street)

Delegated Report (Members' Briefing)		Expiry Date:	19/01/2015	Officer:	David Peres Da Costa
Application Address		Application Number(s)	1st Signature	2nd Signature	
Smugglers Tavern 28 Warren Street London W1T 5ND		2014/7257/P			
Proposal(s)					
Erection of kitchen extract flue and fresh air input to existing pub.					
Recommendation(s):		Grant conditional permission			
Application Type:		Full planning permission			
Consultations	Date advertised	21 days elapsed	Date posted	21 days elapsed	
Press notice	18/12/2014	8/1/2015	Site notice	12/12/2014	2/1/2015
	Date sent	21 days elapsed	# Notified	# Responses	# Objections
Adjoining Occupier letters	9/12/2014	30/12/2014	29		3
Consultation responses (including CAACs):	<p>3 objections have been received from occupiers of 18 and 20 Conway Street. The following issues have been raised.</p> <ul style="list-style-type: none"> This has been an on-going disturbance for the past 13 years that I have been resident and I do not feel that piecemeal application/permission will resolve the problems we continue to have. Whilst I am in general support for the an application to install a new extraction system to eliminate the outstanding odour and noise issues which our community is currently dealing with, I do have a number of concerns which need to be addressed before any such planning should be granted to the applicant. it should be noted that there are a number of installations currently installed on the back roof area which I don't believe have been granted planning approval, and are thus in violation of planning rules: 2 x LG Air Conditioner Units; Condenser at back wall located on floor space; Bar ventilation extract. <p><i>Officer's comment: The plant referred to above was the subject of an enforcement investigation (EN07/0645) which was closed in January 2011. The enforcement team found that although the plant required planning permission, the issue of noise appeared to have been resolved by a Noise Abatement Notice which was served 18/3/2008. Following this notice there had been no subsequent complaints with regard to plant noise. Given this context it was not considered expedient to proceed with formal enforcement action to have the plant removed. See planning history for further details.</i></p> <ul style="list-style-type: none"> This planning application was only submitted under threat of an abatement notice being issued by Camden Council and should therefore carry conditions on the time allowed for the implementation of any approvals granted by the planning permission. <p><i>Officer's comment: A condition has been included on the draft decision that the development</i></p>				

must be begun not later than the end of two months from the date of the permission.

- Nearly all the properties overlooking the rear of the Smugglers Tavern are residential, and therefore strict conditions on noise and odour levels should be placed upon applicant.

Officer's comment: Conditions related to noise and odour abatement have been included on the decision. A more stringent noise condition has been included at the request of the Council's environmental health team.

- All work should be carried out which either meets or exceeds 'Guidance on the control of Odour and Noise from Commercial Kitchen Exhaust Systems' published by Defra (January 2005).
- The extraction stack at the top should be required to be installed at least 1 meter above the final parapet at roof line (this information is not included in the current plan)

Officer's comment: the drawings have been revised so that the extract is 1m above roof level.

- Anti-vibration mountings should be required

Officer's comment: A condition is included requiring the extract ventilating system to be mounted on anti-vibration isolators and the fan motors to be vibration isolated from the casing.

- The proposed sound attenuation from the silencers is not fully specified
- Sound attenuation should be required at air intake, and this has not been specified in the current plan

Officer's comment: the council's environmental health officer has confirmed that the information submitted with the noise report is acceptable.

- Lack of information on filtration and odour depletion

Officer's comment: an additional condition has been included on the decision requiring full details of a scheme for odour abatement, including manufacturer's specifications, to be submitted prior to the commencement of development.

Cllr Harrison: I am just writing as I wanted to flag up the importance of resolving this app as soon as possible as it relates to a very longstanding noise issue which we are trying to resolve. If all is well from your point of view I hope it can be progressed as soon as possible. I hope we can work together to come to a good resolution for the residents of Conway Street who for years have put up with noise and smells from the back of the Smugglers' Tavern, and that I hope this planning app is the opportunity to do that.

Officer's comment: please refer to assessment of amenity in paragraph 2.3-2.6 below.

Site Description

The site is a 4 storey mid-terrace property on the south side of Warren Street close to the junction with Conway Street. The site falls within the Fitzroy Square Conservation Area and the property is not listed. The site is occupied by a public house with ancillary accommodation above.

Relevant History

EN14/0572: Poor and uncleaned ventilation from the Smugglers Tavern is causing us no longer to be able to leave our windows open to our flat: Case closed – no breach 03/06/2014. Matter referred to environmental health team.

EN07/0645: Installation of air handling plant. Case closed – not expedient 17/01/2011

The officer's delegated report included the following assessment:

It was established that two air conditioning units have been installed on the rear flat roof close to the door leading to the first floor kitchen. A chiller associated with the cellar had also been erected fixed to the wall of the

neighbouring property, 8 Richardson's Mews. The planning site inspector considered that this particular unit was likely to be source of the noise nuisance. Following intervention from Environmental Health officers, this unit has now been relocated onto the first floor flat roof. The two air-conditioning units and cellar chiller require planning permission.

Environmental Health served a Noise Abatement Notice on the property on the 18/3/2008. Although there is no completion certificate, there is no evidence that the notice was not complied with and Flare records indicate that there have been no subsequent complaints with regard to plant noise.

The planning history indicates that two previous applications to install ventilation / air handling plant were refused. However, the plant associated with the most recent refusal, which was removed following an enforcement notice, consisted of extract flues rather than air-conditioning units and cellar cooler. Although the new plant requires planning permission, given that there have been no noise complaints associated with the plant since the Noise Abatement Notice, it would not be considered expedient to proceed with formal enforcement action at this time.

EN04/0544: Unauthorised ventilation plant at 1st floor rear roof level. Enforcement Notice Complied With 19/11/2007

2005/0663/P: Retention of new ventilation plant at first floor rear roof level. Refused and warning of enforcement action to be taken 02/02/2006

2003/2313/P: Formation of beer garden at rear first floor level, associated access and the re-opening of door to front elevation. Refused 11/12/2003

PS9904862: Installation of two air handling units on the rear flat roof. Refused 06/06/2000

Relevant policies

NPPF 2012

London Plan 2011

LDF Core Strategy and Development Policies

CS1 (Distribution of Growth)

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)

Camden Planning Guidance

Fitzroy Square Conservation Area Statement

Assessment

1. Proposal:

- 1.1. Permission is sought for an air intake and extraction flue at the rear of the property. Both pieces of equipment are at rear first floor level. The air intake would be mounted horizontally on the rear elevation above a door to the first floor kitchen and the extract flue would run from above this door, up the rear elevation to roof level. The extract flue would be 0.45m (width) by 0.45 (length) and 9.4m high. The supply air intake would be 4.88m (length).
- 1.2. Revision: The proposal has been revised so that the flue terminates 1m above roof level in accordance with Camden's policy.

2. Assessment:

2.1. Design:

- 2.2. The rear of the property cannot be seen from the street and can only be seen from neighbouring windows of Richardson Mews and Conway Street. Whilst the proposed flue would detract somewhat from the existing appearance of the rear elevation given the limited visibility of this elevation this is acceptable. Likewise, given its limited visibility, the impact on the conservation area would be acceptable.

2.3. Amenity:

- 2.4. The applicant has submitted a noise report with the application. The nearest residential properties to the premises are 4 storey houses/flats in Conway Street. The rear of these properties is about 8 metres from the proposed kitchen extract and about 6 metres from the existing fresh air intake plant location. There are residential properties closer in Richardson Mews, which lies directly to the south east of the site. However, their positioning and orientation means they are not as likely as the Conway Street houses to be affected by noise from the proposed ventilation systems.
- 2.5. The lowest background noise level is 50dB. The noise report proposes the sound from the kitchen extract and air intake should be attenuated with acoustic lagging and in line silencer. The noise report indicates the operation of the system will meet London Borough of Camden noise criteria with the attenuation in place. The Council's environmental health team have assessed the report and do not wish to object to the application but have asked for a more stringent noised condition to ensure noise from plant, machinery/ equipment will be lower than the lowest existing background noise level by at least 10dBA, or by 15dBA where the source is tonal. Given the history of noise complaints the more stringent condition is considered appropriate and will be included on the decision. In addition a condition would be included requiring the extract / ventilation system to be mounted on anti-vibration isolators and the fan motors to be vibration isolated from the casing.
- 2.6. No additional details have been provided in relation to odour control. Therefore a condition requiring details of odour abatement will be required before the development commences. The lack of appropriate extraction has resulted in complaints to the environmental health team. Therefore, a condition has been included on the decision to ensure that the installation of the kitchen extract flue and ventilation would be commenced within two months of the date of the decision.

Recommendation: Grant conditional planning permission.

DISCLAIMER

Decision route to be decided by nominated members on Monday the 9th March 2015.

For further information please click [here](#)

Mr Patrick Smith
Smith Coldham Design Ltd
55 Lime Grove
Ruislip
London
HA4 8RL

Application Ref: **2014/7257/P**
Please ask for: **David Peres Da Costa**
Telephone: 020 7974 **5262**

2 March 2015

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
Smugglers Tavern
28 Warren Street
London
W1T 5ND

DECISION

Proposal:
Erection of kitchen extract flue and fresh air input to existing pub.

Drawing Nos: Site location plan; 5733-14-101 Rev A; 5733-14-100 Rev A; 11199 REVC/V Rev 01; Details of RAF 520 Attenuator; Details of MUB 042 500D4-A2 IE2; Noise report dated Jan 2015

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of two months from the date of this permission.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the



London Borough of Camden Local Development Framework Core Strategy and policies DP12, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies and Section 91(1)b of the Town and Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; 5733-14-101 Rev A; 5733-14-100 Rev A; 11199 REVC/V Rev 01; Details of RAF 520 Attenuator; Details of MUB 042 500D4-A2 IE2; Noise report dated Jan 2015

Reason:

For the avoidance of doubt and in the interest of proper planning.

- 4 Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 15dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 5 Before the first use of the kitchen extract and ventilation hereby approved, the extract ventilating system shall be mounted on anti-vibration isolators and the fan motors shall be vibration isolated from the casing. All such measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 6 Before the development commences, full details of a scheme for odour abatement, including manufacturers specifications, shall be submitted to and approved by the Local Planning Authority in writing. The use shall not proceed other than in complete accordance with such scheme as has been approved. All such measures shall be retained and maintained in accordance with the manufacturers' recommendations.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policies DP12, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 7 Before the first use of the kitchen extract hereby permitted, the ventilation and filtration equipment to suppress and disperse fumes and/or smells created from cooking activities on the premises, shall be installed and be in full working order in accordance with the approved scheme. All such measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations. In the event of no satisfactory ventilation plant and / or machinery being provided, no primary cooking shall take place on the premises.

Reason: To safeguard the amenities of the premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26, DP28 and DP12 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Director of Culture & Environment

DRAFT

DECISION