



CREATE REIT LTD
225 KENTISH TOWN ROAD, LONDON

ODOUR ASSESSMENT

JANUARY 2016



the journey is the reward

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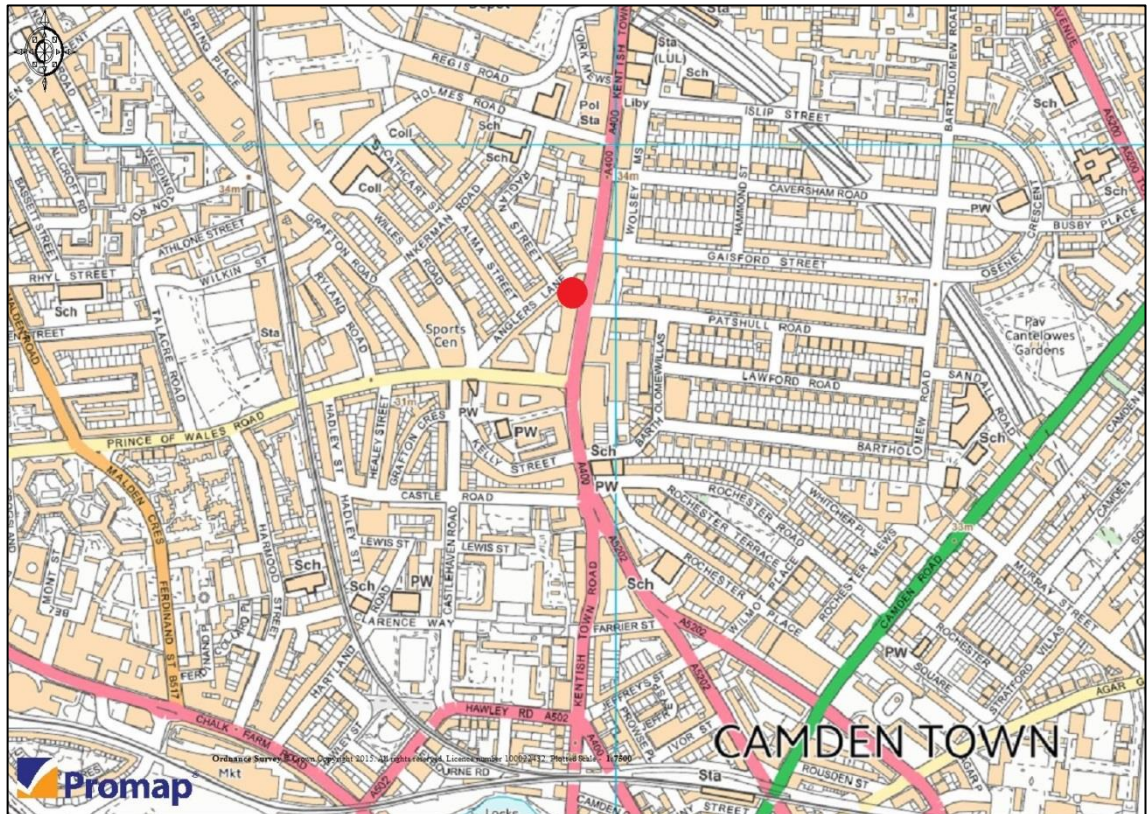
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1 Introduction

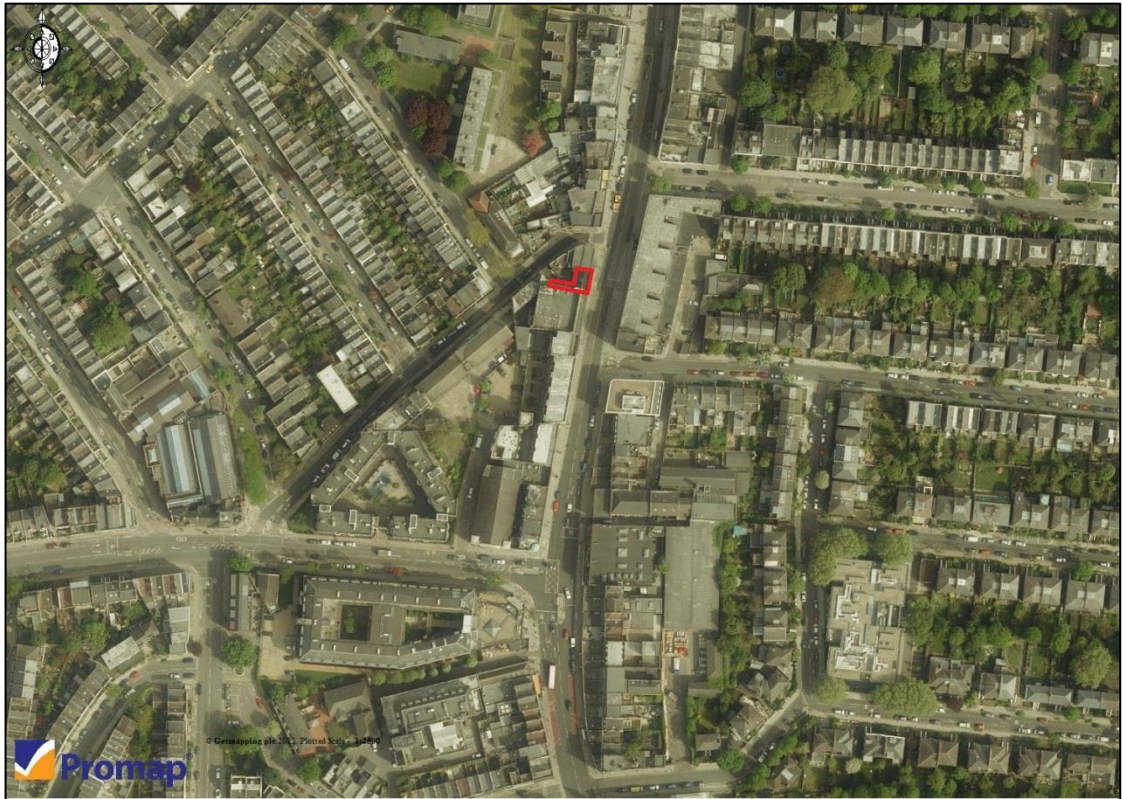
1.1 Mayer Brown Ltd has been appointed by Create REIT to undertake an Odour Assessment in support of a planning application for the conversion of 225 Kentish Town Road, Camden. The location of the proposed development is illustrated in **Figure 1.1: Site Location in Relation to the Local Highway Network**.



(Source: Ordnance Survey, Licence: AL100002189)

Figure 1.1: Site in Relation to the Local Highway Network

1.2 The Application Site is located in a mixed-use area of London bounded by Kentish Town Road to the east and Anglers Lane to the west. To the north and south the Application Site is bounded by a Nando's Restaurant and a Lidl Supermarket, respectively. This is illustrated in **Figure 1.2: Existing Site Layout** showing the development red line boundary



(Source: Ordnance Survey, Licence: AL100002189)

Figure 1.2: Existing Site Layout

- 1.3 The proposal to which this Odour Assessment relates is for a conversion 225 Kentish Town Road into a mixed use of commercial and residential which seeks to provide 4 new residential flats from 1st to 4th floor elevation and 1 commercial unit on the ground floor.

2 Legislation, Policies & Guidance

National Legislation

- 2.1 The Environmental Protection Act 1990 sets out provisions for the regulation of statutory nuisance caused by odours. Section 79 (1)(d) sets out this statutory nuisance as,

‘any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance’.

- 2.2 Section 80 requires that, where a complaint of a statutory nuisance is made to it by a person living within its area, a Local Authority must take steps to investigate the complaint and decide whether the odour is prejudicial to health or a nuisance. Odours for consideration include those which cause changes in behaviours, such as avoiding use of the garden, closing windows, making complaints and keeping odour diaries.

National Policy

[National Planning Policy Framework, March 2012](#)

- 2.3 The aim of this document is to set out the Government’s requirements for the planning system, only to the extent that it is relevant, proportionate and necessary to do so. It also aims to enable local people and councils to produce their own distinctive local and neighbourhood plans.

- 2.4 Paragraph 120 advises that planning policies and decisions should ensure that:

“development is appropriate for its location”, and that, “the effects... of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.”

- 2.5 Within the NPPF Pollution is defined as:

‘anything that affects the quality of land, air, water or soils, which might lead to an adverse impact on human health, the natural environment or general amenity. Pollution can arise from a range of emissions, including... odour’

- 2.6 The NPPF is based upon 12 Core planning principles, one of which has relevance to the proposals:

- 2.7 The Core Principle 11 of the NPPF advises that:

“The planning system should contribute to and enhance the natural and local environment by... preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.”

The NPPF does not provide technical guidance for the assessment of odour. Therefore, an assessment methodology has been sought from both Defra and Environmental Agency guidance as summarised below.

[National Planning Policy Guidance \(NPPG, 2014\)](#)

- 2.8 The NPPF is now supported by Planning Practice Guidance (NPPG) (DCLG, 2014), which includes guiding principles on how planning can take account of the impacts of new development on odour. The NPPG states that

“Odour and dust can also be a planning concern, for example, because of the effect on local amenity”

National Guidance

[Defra Odour Guidance for Local Authorities](#)

- 2.9 Defra’s Odour Guidance for Local Authorities was published in March 2010 and was primarily designed for Environmental Health Officers. However, the guidance is considered to be relevant for this assessment, and can be utilised within this assessment as it provides methodologies for various odour assessments, including the field work.

- 2.1 Defra defines odour as:

“An odour is the organoleptic attribute perceptible by the olfactory organ on sniffing certain volatile substances. It is a property of odorous substances that make them perceptible to our sense of smell. The term odour refers to the stimuli from a chemical compound that is volatilised in air. Odour is our perception of that sensation and we interpret what the odour means. Odours may be perceived as pleasant or unpleasant. The main concern with odour is its ability to cause a response in individuals that is considered to be objectionable or offensive.

Odours have the potential to trigger strong reactions for good reason. Pleasant odours can provide enjoyment and prompt responses such as those associated with appetite. Equally, unpleasant odours can be useful indicators to protect us from harm such as the ingestion of rotten food. These protective mechanisms are learnt throughout our lives. Whilst there is often agreement about what constitutes pleasant and unpleasant

odours, there is a wide variation between individuals as to what is deemed unacceptable and what affects our quality of life."

2.2 The guidance advises that:

"Careful consideration needs to be given to the location of new odour sensitive developments such as residential developments, schools and hospitals near to existing odour sources. Encroachment of odour sensitive development around such sites may lead to problems with the site becoming the subject of complaint, essentially creating a problem where there was not one before".

[Environment Agency H4 Odour Management](#)

2.3 The Environment Agency's H4 Odour Management guidance was published in March 2011 and is designed to provide guidance on Environmental Permitting for operators. However, it is used by practitioners as it provides guidance on assessing the level of odour pollution.

[Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems](#)

2.4 This DEFRA guidance was published in January 2005 and is designed to provide guidance / advice on odour and noise from kitchen exhaust systems.

Local Planning Policy

2.5 The London Borough of Camden's (LBC) adopted "Core Strategy 2010-2025" includes the following policy which seeks to protect the amenity of existing neighbours from new development:

2.6 CS5 – Managing the impact of growth and development states:

"The Council will manage the impact of growth and development in Camden. We will ensure that development meets the full range of objectives of the Core Strategy and other Local Development Framework documents, with particular consideration given to:

- a) providing uses that meet the needs of Camden's population and contribute to the borough's London-wide role;*
- b) providing the infrastructure and facilities needed to support Camden's population and those who work in and visit the borough;*
- c) providing sustainable buildings and spaces of the highest quality; and*
- d) protecting and enhancing our environment and heritage and the amenity and quality of life of local communities.*

The Council will protect the amenity of Camden's residents and those working in and visiting the borough by

- e) making sure that the impact of developments on their occupiers and neighbours is fully considered;*
- f) seeking to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities; and*
- g) requiring mitigation measures where necessary."*

2.7 The London Borough of Camden's Local Development Framework ("Camden Development Policies 2010-2025") includes the following policies.

2.8 DP26 – Managing the impact of development on occupiers and neighbours states

"The Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity. The factors we will consider include:

- a) visual privacy and overlooking;*
- b) overshadowing and outlook;*
- c) sunlight, daylight and artificial light levels;*
- d) noise and vibration levels;*
- e) odour, fumes and dust;*
- f) microclimate;*
- g) the inclusion of appropriate attenuation measures."*

3 Assessment Methodology

Background

3.1 Odour is defined within ISO 5492:2008 'Sensory Analysis-Vocabulary' as the "organoleptic attribute perceptible by the olfactory organ on sniffing certain volatile substances". An odorant is defined within BS EN13275:2003 'Air Quality-Determination of odour concentration by dynamic olfactory' as a substance that stimulates a human olfactory system so that an odour is perceived

Odour Impacts

3.2 The magnitude of odour impact depends on a number of factors and the potential for complaints varies due to the subjective nature of odour perception. The **FIDOL** acronym is a useful reminder of the factors that will determine the degree of odour pollution:

- **Frequency of detection** - frequent odour incidents are more likely to result in complaints;
- **Intensity as perceived** - intense odour incidents are more likely to result in complaints;
- **Duration of exposure** - prolonged exposure is more likely to result in complaints;
- **Offensiveness** - more offensive odours have a higher risk of resulting in complaints; and
- **Location** – The sensitivity of the area when odour is detected.

3.3 To note that even infrequent emissions may cause loss of amenity if odours are perceived to be particularly intense or offensive.

3.4 In order to utilise FIDOL factors (as set out in Defra and H4 guidance) the following scoring system has been used.

Frequency

3.5 The frequency relates to how often a receptor may be exposed to odour. The more frequent a receptor is exposed to an odour the more likely a nuisance has a potential to occur. Metrological data has been utilised within this assessment to ascertain the potential frequency of odour a future residential receptor may experience.

Intensity

3.6 The intensity of an odour relates to the perceived strength of an odour. There is perceived to be a close relationship between actual odour concentrations and the

perceived intensity. The scoring approach in **Table 3.1** has been taken from the Defra and EA guidance.

Score	Intensity
0	No Odour
1	Very Faint Odour
2	Faint Odour
3	Distinct Odour
4	Strong Odour
5	Very Strong Odour
6	Extreme

Table 3.1: Odour Intensity Scale

Duration

3.7 The amount of time that an odour episode occurs for will influence the likely rise of complaints. For this assessment, during the site visit a qualitative assessment was undertaken based upon the following criteria in **Table 3.2**.

Score	Extent
1	Localised & Short Term
2	Widespread & Short Term
3	Localised & Long Term
4	Widespread & Long Term (up to 50m)
5	Widespread & Long Term (over 50m)

Table 3.2: Odour Duration Scale

Offensiveness

3.8 The offensiveness of an odour is a measure of the odour character and the hedonic tone. The hedonic tone is the degree of pleasantness or unpleasantness associated with a given subject, state, or circumstance. It is also described as positive or negative. The following criteria in **Table 3.3** has been used within this assessment.

Score	Perceived Hedonic Tone
+4	Very Pleasant
+3	Pleasant
+2	Moderately Pleasant
+1	Mildly Pleasant
0	Neutral Odour / No Odour
-1	Mildly Unpleasant
-2	Moderately Unpleasant
-3	Unpleasant
-4	Very Unpleasant

Table 3.3: Hedonic Tone/Offensiveness Scale

Location

- 3.9 The location refers to the type / sensitivity of the receptor affected by odour. In the case of this assessment and proposed residential dwellings we are considering human receptors which are considered high.

4 Baseline Conditions

- 4.1 The assessment of baseline conditions has involved examining the physical characterises of the proposed development in relation to the Nando's extract unit (as illustrated in **Figure 4.1**), identified during a number of site visits. Distances between the sources and prevailing wind conditions and have been taken into account within this baseline conditions assessment.



Figure 4.1: Kitchen Extraction Unit

Odour Complaints

Freedom of Information Request

- 4.2 Once exposure to odour has occurred, the process can lead to adverse effects such as dis-amenity, annoyance, nuisance and the possibility of nuisance complaints to the local authority. The number of recorded complaints in respect of odour from the extraction unit can provide a good indication as to the current level of impact upon existing residential receptors and future residential receptors as part of this Proposed Development.

- 4.3 A freedom of information request was submitted to LBC, requesting the following information:

“Please can I have details of all complaints received regarding odour nuisance resulting from activities associated with the operation of 227 - 229 Kentish Town Road, Kentish Town, London NW5 2JU between 01/01/2000 and 24/11/2015

1 - Number of individual properties who have contacted the council directly with complaints. Including the date the complaint was raised.

2 - Details of each individual complaint and any resultant investigation.

3 - Details of any visits or monitoring undertaken including copies of any data collected, witness statements, contemporaneous notes.

4 - Copies of any correspondence regarding the complaints or investigation.

Please can I also have a copy of the Councils Enforcement policy and any other related policy, procedure or guidance regarding odour.

- 4.4 LBC advised Mayer Brown Ltd that one complaint has been made within the requested timeframe. The nuisance complaint stated:

“Nearby houses have had problems with Nandos in the past. Over a period of time, the noise from the ventilator steadily increases to such an extent it can be heard all day, and recently all night long. The drone of the noise permeates double glazing and is particularly noticeable at night when the ambient noise drops. It is stopping me and neighbours in direct line of the ventilator shaft from sleeping at night. I think the system, which is quite old now, may need replacing and a modern quieter system installed.”

- 4.5 This complaint was made on the 26/09/2013, but no further complaints have been received since and no further investigations have been undertaken in respect of odour from the operation of Nando’s restaurant. Therefore, it can be assumed that odour is currently not of issue to existing local residential receptors.

5 Odour Assessment

Field Odour Assessment

- 5.1 Two site visits were undertaken on Thursday 26th November (15:00) and Thursday 3rd December 2015 (12:00), on the boundary of where the first floor flat will be located, as illustrated in **Figure 5.1**



Figure 5.1: Odour Monitoring Location

Results

Frequency

- 5.2 A review of metrological data from 2011 to 2014 for Heathrow Airport indicates a predominant south-westerly wind. Based upon the locality of the plant any odour is likely to be blown away from the proposed residential units

Intensity

- 5.3 During both site visits there was an odour was perceivable but a very faint odour along the application boundary.

Score: 1

Duration

- 5.4 The odour experienced along the site boundary was intermittent, due to the wind direction and speed, but could only be perceived at the application site boundary. Therefore, it is considered to be short term and localised.

Score: 1

Offensiveness

- 5.5 The odour had the scent of cooking chicken and was considered to be neutral to mildly unpleasant.

Score: - 1

Location

- 5.6 The location of the monitoring position is set out in **Figure 5.1**.

Residential Amenity

- 5.7 Mayer Brown Ltd have been advised that the Proposed Development will not be providing any areas of residential amenity and therefore the likelihood of potential odour complaints is reduced.

6 Mitigation Measures and Residual Impacts

Planning Permission

- 6.1 In order to install, alter replace or re-locate any extraction equipment planning permission is required to be sort by the LBC and therefore any plant will have to comply with the planning consent.
- 6.2 It is also good practice to maintain the filters on any extraction unit, and the onus is on the Nando's restaurant to maintain these to a good standard in order to avoid such issues of odour nuisance complaints.
- 6.3 It can be concluded from the lack of complaints received by the LBC and from the site assessments performed, that Nando's have adhered to their current planning consent and good practice.

Façade Mitigation

- 6.4 Mayer Brown Ltd noise consultants have advised that windows will be closed with an alternative means of ventilation. These mitigation measures for the noise element will aid the protection from any potential odour nuisance.

7 Conclusions

Completed Development

- 7.1 The odour assessment undertaken has been undertaken in reference to Defra's Guidance for Local Authorities and the Environmental Agency's H4 Odour Management guidance.
- 7.2 The site visits detected faint odours on the site boundary, but are not considered to be of an order that would lead to any nuisance complaints.
- 7.3 A freedom of information request highlighted that only one complaint had been made in respect of odour, of which never lead to a statutory nuisance.
- 7.4 The proposed development is not considered to be likely to give rise to further odour nuisance complaints due to the proposed façade mitigation measures. Therefore, it is not anticipated the proposed development will adversely affect the operation the Nando's restaurant.

