

50 - 52 Monmouth Street, London, WC2H 9EP

2016/5682/P

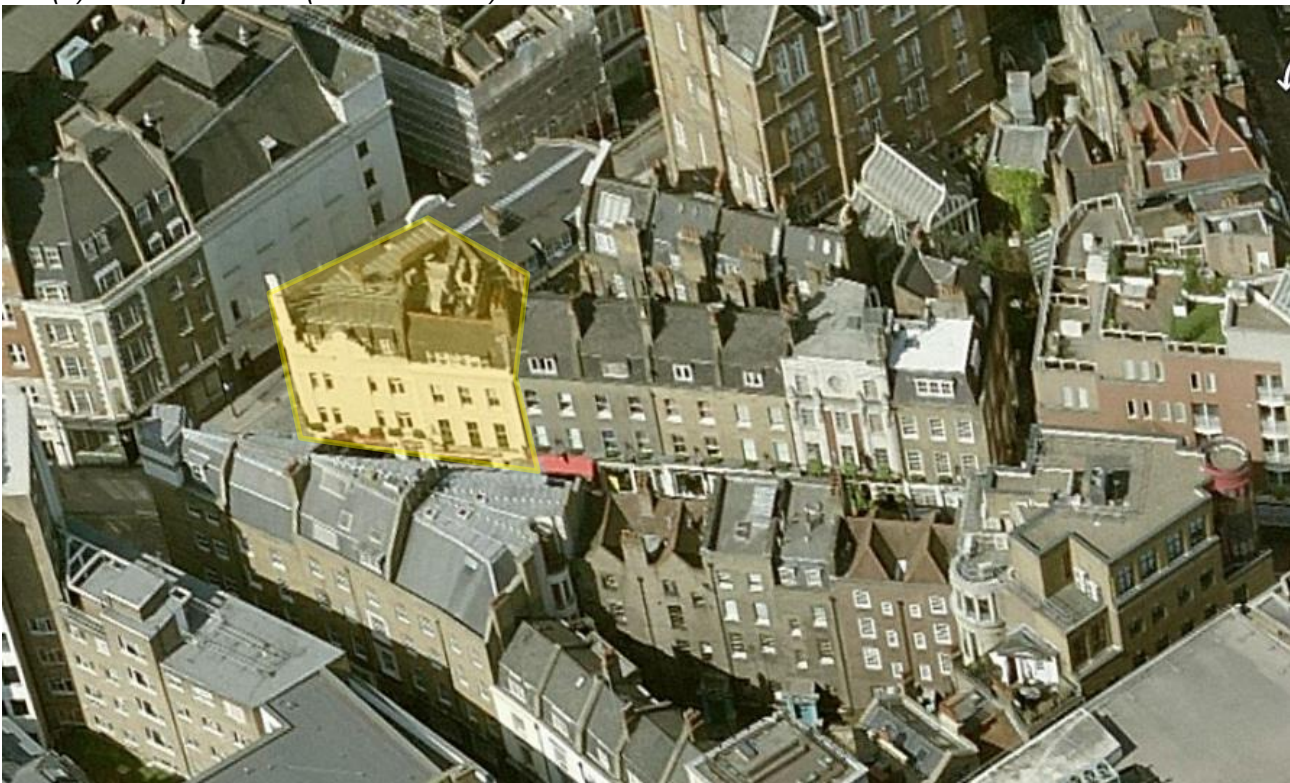


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50 - 52 Monmouth Street, London, WC2H 9EP

Site Photographs:

(1) Aerial photo #2 (from the East)



(2) Aerial photo #3 (from the North)



(3) Aerial photo #4 (from the East)



(4) Rear elevation of property, approximate location of proposed ducting highlighted



(5) Opposite rear elevation overlooking lightwell (residential accommodation)



(6) Existing rear lightwell



(7) Existing plant at roof level (approved) with lightwell behind



Delegated Report		Analysis sheet		Expiry Date:		13/12/2016	
(Members Briefing)		N/A / attached		Consultation Expiry Date:			
Officer				Application Number(s)			
John Diver				2016/5682/P			
Application Address				Drawing Numbers			
50 - 52 Monmouth Street London WC2H 9EP				<i>See draft decision notice</i>			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Installation of external extract ducting to rear of property following removal of existing ducting to serve ground/first floor restaurant (Class A3)							
Recommendation(s):		Grant conditional permission					
Application Type:		Full Planning Permission					

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Summary of consultation:	<p>Multiple site notices were displayed near to the site between the 01/11/2016 and the 22/11/16.</p> <p>The application was advertised in local press between the 03/11/2016 and the 24/11/2016</p>			
Adjoining Occupiers:	No. of responses	01	No. of objections	01
Summary of consultation responses:	<p>An objection letter was received from the owners / occupiers of no. 6 Tower Court. Their concerns can be summarised as follows:</p> <ol style="list-style-type: none"> 1) Concern regarding design and scale within the setting of a listed 18th century court. 2) Greatest concern that the proposal would result in an increase in noise levels, detrimental to the amenities of the numerous residential properties that share the rear lightwell <p><i>Officer's response:</i></p> <ol style="list-style-type: none"> 1) <i>Please see paras.2.2 – 2.4</i> 2) <i>Please see paras.2.7 – 2.10</i> 			
CAAC/Local groups comments:	<p>Covent Garden Community Association and Bloomsbury CAAC raised concerns, summarised as follows:</p> <p><u>Bloomsbury CAAC</u></p> <ol style="list-style-type: none"> 1) Ducting is substantial and unsightly and would detract from a building which makes a strong contribution to the conservation area <p><i>Officer's response:</i></p> <ol style="list-style-type: none"> 1) <i>Please see paras.2.2 – 2.4</i> <p><u>Covent Garden Community Association</u></p> <ol style="list-style-type: none"> 1) A noise report should be submitted in order to ensure that the proposed development does not have an impact on residential amenity 2) All residents that live nearby should be consulted regarding the proposal. <p>No response in relation to the application was received following consultation requests to the Covent Garden CAAC or the Seven Dials Trust.</p> <p><i>Officer's response:</i></p> <ol style="list-style-type: none"> 1) <i>Please see paras. 2.7 – 2.10</i> 2) <i>The Council has fulfilled its statutory duty to inform all adjoining occupiers by site notice. Additionally any local resident who has signed up for E-Alerts would have been notified of the proposal.</i> 			

Site Description

The application site is within a corner property situated adjacent to Tower Street and Monmouth Street within the Holborn and Covent Garden ward of the Borough and the designated Central London Local Area. The property marks the Southern tip of a group of buildings facing onto Tower Street, Monmouth Street as well as Tower Court which share a common rear lightwell. The majority of this lightwell has been developed at ground floor level (including the application site) and there is no direct access on to the resulting flat roofed area; however the lightwell generally remains open at upper levels, with a number of residential units featuring rear windows that open up onto this lightwell.

This application relates to a commercial unit situated at the basement, ground and first floor levels of the host property (50 – 52 Monmouth Street). The building hosts a mix of uses including A1 / A3 (the application unit) as well as B1a offices above. The frontage of the property is designated as both primary (Monmouth St) and secondary (Tower Street) frontages within the Council's LDF.

The application property is not statutorily or locally listed; however it is situated adjacent to the Grade II listed buildings of 42 – 48 Monmouth Street as well as within the vicinity of 5 – 8 Tower Court to the North and St Martin's Theatre to the South (both GII listed). The site is also situated within the Seven Dials (Covent Garden) Conservation Area with the property being recognised as positively contributing to the unique character of the Conservation Area within the Seven Dials Estate Conservation Area Statement.

Relevant History

The following planning history for the site is relevant for the assessment:

P9600597 - Non Determination Appeal Allowed at 50-52 Monmouth Street for the 'Alteration and extension, involving infilling of lightwell in connection with proposed dual A1/A3 (shops/food and drink) use at ground floor and basement, dual B1/A3 (business/food and drink) use at first floor and B1 (business) use at second and third floors' on the 29/01/1996.

Following the above appeal allowed scheme, approval of details application **PS9804626R1** approved details of noise and sound insulation, ventilation system and air-handling equipment and scheme for refuse storage pursuant to additional conditions 4, 5 and 7 of planning permission granted on appeal.

P9600537R1 – Planning permission was granted at 50-52 Monmouth Street for the 'The infill of an internal lightwell at first, second and third floor levels to provide additional Class B1 floorspace and the raising of the parapet wall at third floor level and alterations to shopfronts' on the 09/08/1996

Relevant policies

National and Regional Policy

National Planning Policy Framework 2012
London Plan 2016

LDF Core Strategy and Development Policies

CS5 (Managing the impact of growth and development)

CS14 (Promoting high quality places and conserving our heritage)

DP12 (Supporting strong centres and managing the impact of food, drink etc),

DP24 (Securing high quality design)

DP25 (Conserving Camden's heritage)

DP26 (Managing the impact of development on occupiers and neighbours)

DP28 (Noise & vibration)

Supplementary Planning Policies

CPG 1 Design 2015

CPG 5 Town Centres, Retail and Employment 2013

Seven Dials Estate Conservation Area Statement (1998)

Assessment

1. Introduction

- 1.1. Planning permission is sought for the installation of external extraction ducting to rear of property between first and roof level following removal of existing to serve the restaurant at ground/first floor level.
- 1.2. The restaurant already features extraction equipment, with the plant at roof level and the ducting running internally through a disused riser. The proposal would not include the replacement or alteration to the plant equipment itself, and would purely consist of the re-routing of the ducting from the roof of the building along its rear elevation and through a flat roof at first floor level in order to allow for better access / maintenance as well as to ensure that the equipment is compliance with the latest iterations of the Building Regulations regarding fire safety.

2. Assessment

- 2.1. The principal considerations material to the determination of this application are as follows:
 - The visual impact upon the character and appearance of the host property, conservation and the setting of nearby listed buildings (Design and Heritage)
 - The impacts caused upon the residential amenities of any neighbouring occupier (Residential Amenity)

Design and Heritage

- 2.2. The Council's design policies are aimed at achieving the highest standard of design in all developments. 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, and the quality of materials to be used. Policy DP25 'Conserving Camden's Heritage' states that within conservation areas, the Council will only grant permission for development that 'preserves and enhances' its established character and appearance. In order to preserve or enhance the borough's listed buildings, DP25 additionally states that the Council will only grant consent for alterations or extensions close to listed building where those changes do not cause harm to the setting and special interest of the building.
- 2.3. Despite its somewhat utilitarian form (necessitated by the function of the structure), the proposed ducting would be sited along a section of the rear elevation which is extremely concealed by virtue of the converging rear building lines of the application corner property. The proposed ducting would not be visible from any public place and private views would only be afforded from a select number of rear facing windows from nos.19 – 21 Tower Street and potentially no.5 Tower Court but would be obscured from view from all other properties. This existing enclosed area currently has a somewhat unkempt appearance, with the piecemeal development of the light well (including the flat roofed rear extension of the host property), various services running down the rear elevations and uneven rear building lines meaning that this area does not contribute to the character of the building or local area. The ducting would rise to roof level but would not project higher than the existing plant already in situ. In order to ensure that the ducting is less visibly prominent from those private views afforded, a condition is recommended that the ducting shall be painted black to match the nearby SVPs / downpipes as well as so as to be less reflective. Subject to this condition, it is therefore not considered that the proposed works would result in any harm to the character and appearance of the host property, row of properties or the wider conservation area, preserving its unique character. Similarly, due to the aforementioned converging rear building lines and concealed location, it is not considered that the proposed ducting would not impact upon the setting of any of the nearby listed buildings, ensuring that their special character is also preserved.

- 2.4. Overall it is therefore considered that the proposed duct has been sufficiently designed to minimise visual impact and is therefore in accordance with policies DP24 and DP25.
- 2.5. The proposal is considered to preserve the character and appearance of the conservation area. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013

Residential Amenity

- 2.6. Policy CS5 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Policy DP26 seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents. This includes privacy, outlook, daylight and sunlight, as well as noise and disturbance. Policy DP28 aims to ensure that noise and vibration is controlled and managed and sets out the Council's thresholds for noise and vibration.
- 2.7. The proposed ducting would run up a section of the rear elevation, adjacent to two windows at second floor level serving an office. As the Council's policy DP26 specifically protects residential amenities, it is not considered that visual impact upon the outlook of these windows would form a reason for refusal. Due to its siting, it is not considered that the ducting would impact the outlook from any other rear window and would also not lead to any reduction of daylight, sunlight or privacy for any adjoining occupier.
- 2.8. As the ducting would be sited within an enclosed lightwell which features residential rear facing windows, concern was initially raised regarding the noise and vibration disturbance that might be produced as a result of the proposed ducting. Chapter 4 (Noise and Vibration) of CPG6 (Amenity) states that "*Proposals will be expected to include appropriate attenuation to alleviate or mitigate the impact of noise and vibrations to an acceptable level, as set out in policy DP28*" (para 4.7). This chapter additionally sets out guidance regarding mitigation measures, as well as methods that the Council will utilise to manage the impact of noise and vibration. Accordingly, meetings were held with the Council's Environmental Health Noise (EH) officer regarding the likely levels of noise and vibration produced as well as the design of the ducting in terms of its attenuation properties.
- 2.9. It was noted that, as no mechanical sections / plant equipment are being replaced and the existing plant is already bound by current noise criteria approved under applications P9600597 and PS9804626R1, the proposed alterations would not give rise to any increase in noise. It was the advice of the Council's EH officer that there would therefore be no need for an acoustic assessment and that no harm in terms of noise would result from the development.
- 2.10. Notwithstanding this, in order to ensure that the new ducting does not lead to vibrations which in themselves could potentially be highly disruptive to residential amenities, the EH officer has recommended a condition which specifies that the proposed ducting shall be affixed with proprietary anti-vibration isolators and adequately silenced and maintained as such. The application of this condition will ensure that the ducting does not result in harmful impacts in terms of vibrations.
- 2.11. In accordance with the attached conditions and the advice of the Council's Environmental Health officer; the hereby proposed development is therefore considered to have an acceptable impact upon the residential amenities of neighbouring occupiers, remaining in accordance with policies DP26 and DP28.

3. Recommendation

- 3.1. Grant conditional permission

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 19th December 2016, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Mr Antonio Merlin
Redvesev Ltd
46 Garratt Lane
London
SW18 4TF

Application Ref: **2016/5682/P**
Please ask for: **John Diver**
Telephone: 020 7974 **6368**

14 December 2016

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
50 - 52 Monmouth Street
London
WC2H 9EP

DECISION

Proposal:

Installation of external extract ducting to rear of property following removal of existing ducting to serve ground/first floor restaurant

Drawing Nos: S101, S102, S103, S104, P101, P102, P103, P104, P301, Design and Access statement

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 three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and

Executive Director Supporting Communities



Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: S101, S102, S103, S104, P101, P102, P103, P104, P301, Design and Access statement

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

- 3 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(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 10dB(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.

- 4 Before the use commences, the extract ventilating system shall be mounted with proprietary anti-vibration isolators and adequately silenced and maintained as such.

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 use commences, the extract ducting hereby approved shall be painted black and thereafter permanently maintained as such.

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 policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Please note that the existing extraction plant equipment located at roof level remains bound by the conditions of planning application P9600597 dated 29/01/1996 and the approved details under PS9804626R1 dated 14/08/2000. The hereby approved works in no way removes these requirements and limitations in terms of audible noise levels from the existing plant.

- 2 Your attention is drawn to the need for compliance with the requirements of the Environmental Health regulations, Compliance and Enforcement team, [Regulatory Services] Camden Town Hall, Argyle Street, WC1H 8EQ, (tel: 020 7974 4444) particularly in respect of arrangements for ventilation and the extraction of cooking fumes and smells.
- 3 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).
- 4 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 Noise and Licensing Enforcement Team, 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

Executive Director Supporting Communities