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Evelyn Jones
Planning Officer, Planning Solutions Team
London Borough of Camden
2nd Floor, 5 Pancras Square
c/o Town Hall
Judd Street
London WC1H 9JE

27th April 2017

Dear Ms. Jones,

Comments on planning application number 2017/1655/P: Installation of enclosure around existing duct at the rear elevation of 2 Neal's Yard London WC2H 9DP

These comments are being made by the Covent Garden Community Association (CGCA). CGCA is recognised by both Camden and Westminster as the Amenity Society for the Covent Garden area (defined as the area bounded by High Holborn, New Oxford Street, Charing Cross Road, St. Martin's Place, Northumberland Avenue, Victoria Embankment, Lancaster Place, Aldwych and Kingsway) and so represents the interests of those who live and work in this area. The CGCA's Planning Subcommittee is authorised by the Association to make comments on any Planning applications that the Subcommittee believes have, or may have, impact on local residents or other members of the community.

Our comments comprise:

- a) **Objection** to the height of the proposed enclosure as it is too low to be effective in relation to nuisance from noise and odour;
- b) Support for the design of the enclosure and the concept of a similar, but higher structure if the duct inside it were lawful. This is independent of, and notwithstanding, our position that **the duct is neither lawful nor compliant with the planning authority's relevant policies.**
- c) Request to consider extraction requirements for the relevant restaurant unit/s and appropriate planning consent de novo.

1. Unlawfulness of the current development (duct).

Background

The duct passes through Units 2a, 2b and 3 Neal's Yard although extraction currently takes place only from Unit 3. Nuisance is caused in neighbouring dwellings Monday – Saturday, approx.. 10am – 10pm, by:

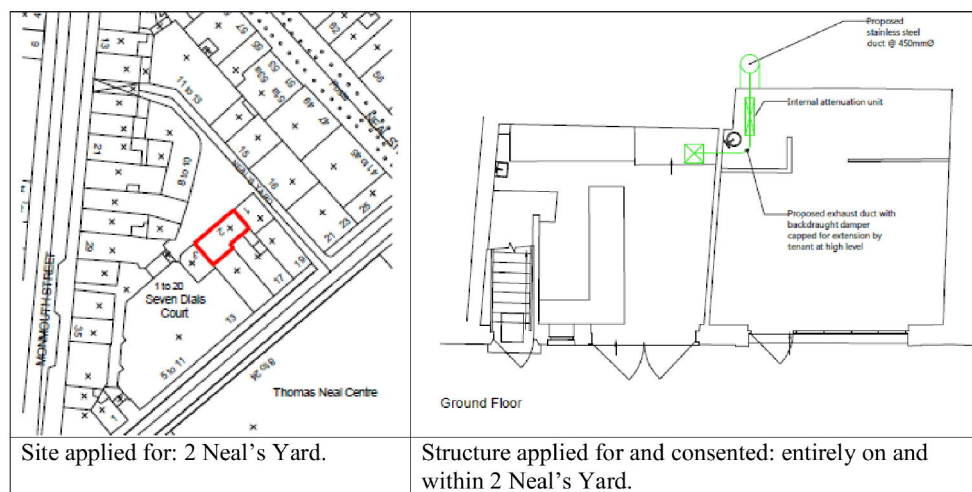
- (i) Odour from the duct which emanates from cooking in a restaurant called 'Native' at Unit 3. The applicant has suggested that the odour emanates from another restaurant called Souk Medina at 1a Shorts Gardens, which has a flue not far away. However, we have clear evidence that the source is 3 Neal's Yard. Souk Medina operates from Noon to Midnight every night, which are not the hours that affect the neighbouring properties. And the problems only started when Native began operations in 2016.

- (ii) Noise from this duct, which starts when Native begins operating in the morning at about 10am Monday – Saturday and finishes when Native ceases operations usually after 10pm on those nights.

The duct has planning consent under Application Ref: 2014/5262/P dated 12/08/2014 which stated:

- (iii) Permission is sought for the installation of an extract duct from the ground floor roof of café
- (iv) Planning application for a new extract duct to the rear of 2 Neal's Yard.
- (iv) This application relates to the installation of an extract duct to the rear of the premises only.
- (v) Class A5 (takeaway).

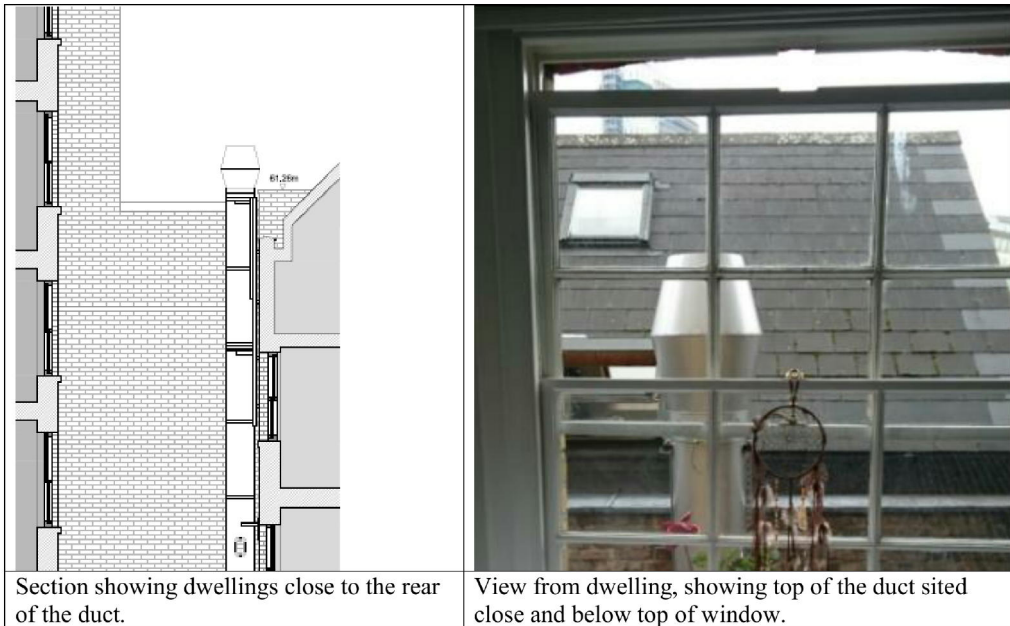
Planning consent was granted based upon drawings numbered 21922-D01, 21922-D02, 21922-D03 and 21922-D04. which showed the site and structure as follows:



The application did not include any drawings to show residential units immediately behind the proposed flue, nor was the planning authority given access to the site.

Unlawfulness

- (vi) The duct is actually connected to unit 3 Neal's Yard, not unit 2 Neal's Yard as consented, and is not built as shown in the consented drawings.
- (vii) This unit is not an A5 café as stated in the application, but a restaurant serving strongly flavoured wild game meat and extracting intense odours.
- (viii) The duct does not appear to comply with condition 3 of the decision notice dated 24/11/2014 requiring Noise levels at a point 1 metre external to sensitive facades to be at least 5dB(A) less than the existing background measurement.
- (ix) The drawings upon which consent was based omitted dwellings to the immediate rear of the development as shown below. The planning authority therefore had no opportunity to consider the application in the light of Local Development Framework Development Policies DP26 (Managing the impact of development on occupiers and neighbours) and Camden DP28 (Noise and vibration) in relation to those dwellings which now suffer nuisance. We believe that the duct does not comply with these policies. The proximity and visual impact of the duct on these dwellings are shown below.



2. In-principle support for the design of the proposed enclosure.

Notwithstanding our understanding that this development is unlawful, were a lawful development to be built we would support an enclosure design of the type shown in this new application.

It is our view that the design accords with Camden Planning Guidance CPG1 11.7, the design and materials used being consistent with those of the building.

3. Objection to the height of the proposed enclosure.

As stated in section 1 above, nuisance is caused to dwellings in the adjacent buildings immediately behind the current structure 6 days per week from noise and odour that emanate from it. The development does not accord with Camden Planning Guidance CPG1 11.10 which states that “where mechanical or passive ventilation is required to remove odour emissions, the release point for odours must be located above the roofline of the building and, where possible, adjacent buildings”. It is noted that the guidance refers to adjacent buildings, not just those adjoining.

In this case it is indeed perfectly possible to locate the release point for odours above the roofline of these adjacent buildings.

Were the existing development to be made lawful then any revised duct or proposed cladding should be extended above the roofline of the buildings to the rear - to a point where the odour was no longer a nuisance. We would ask that this be made a condition of planning consent to any future, lawful development.

It may also offer a solution to noise nuisance, although this cannot be assumed.

4. Request to consider a solution for extraction de novo.

Given the unfortunate situation outlined above, we ask you to invite the applicant to discussions as a matter of urgency.

Rather than pressing for immediate enforcement against the existing development we suggest that the applicant is encouraged to present an alternative solution for the extraction requirement at 3 Neal's Yard, and one that will avoid the current issues.

Neighbours reasonably request that a lawful and effective alternative should be in place before the Summer, when they need to be able to open their back windows without suffering nuisance.

Yours faithfully,



committee