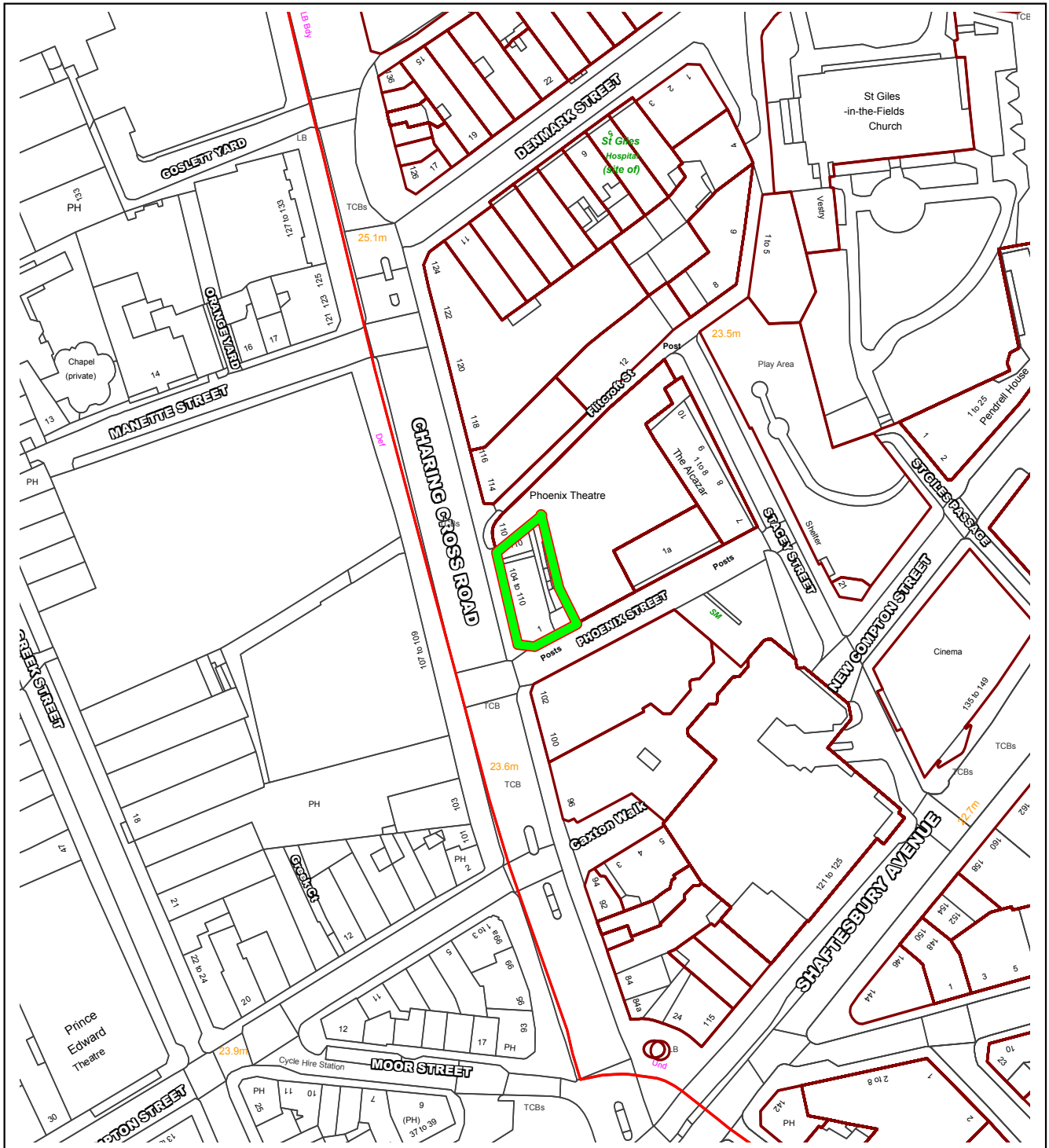


# Phoenix House, 104-110 Charing Cross Road 2018/4492/P



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Photo 1: Front elevation of Phoenix House and Phoenix Theatre



Photo 2: Aerial view showing rear elevation of Phoenix House and enclosed lightwell to the rear



Photo 3: rear lightwell staircase showing location of proposed ducting (to the left hand side of the stairwell). Photograph provided by objector.

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>13/11/2018</b>	
<b>(Members Briefing)</b>		N/A / attached		<b>Consultation Expiry Date:</b>		<b>12/11/2018</b>	
<b>Officer</b>				<b>Application Number(s)</b>			
Laura Hazelton				2018/4492/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
Phoenix House 104-110 Charing Cross Road London WC2H 0JP				M/900 rev. P, M/901 rev. P, M/902 rev. P, M/903 rev. P, M/904 rev. P, M/905 rev. P, M/906 rev. P, M/910 rev. P, M/920 rev. P, M/921 rev. P, M/922 rev. P, M/923 rev. P, M/924 rev. P, M/925 rev. P1, M/926 rev. P, cover letter dated 18th September 2018 and Noise report prepared by Emtec Products Ltd. ref: QF9300/PF6131/PF6275/RP2 dated 9th August 2018.			
<b>PO 3/4</b>		<b>Area Team Signature</b>		<b>C&amp;UD</b>		<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>							
Replacement and relocation of extraction ducting running from rear basement lightwell to roof level							
<b>Recommendation(s):</b>		Grant conditional planning permission					
<b>Application Type:</b>		Full Planning Permission					

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>			No. of responses	<b>01</b>	No. of objections	<b>01</b>
			No. Electronic	<b>00</b>		
<b>Summary of consultation responses:</b>	<p>The application was advertised in the local press on 18/10/2018 (expiring 11/11/2018) and two site notices were displayed on 19/10/2018 on Charing Cross Road and Flitcroft Street.</p> <p>One objection was received from the owner/occupier of 16 Phoenix House on the following grounds:</p> <ol style="list-style-type: none"> <li>1. The proposed new kitchen extraction will be 2 metres away from the front of my home and my front door. It will be unsightly and obscure the existing glazed tiles which cover the rear wall.</li> <li>2. How will it be serviced and maintained? How will it be cleaned? How does the theatre intend to get access - the only access will be via Phoenix House - my home! Will it become another point for pigeons to roost on (we already have significant issue with pigeons behind the theatre.)</li> <li>3. It is also remarkable that the residents of Phoenix House have been issued no notification of this planning application.</li> </ol> <p><i>Officer Response</i></p> <ol style="list-style-type: none"> <li>1. <i>Please refer to paragraphs 2.2 - 2.3 for design assessment.</i></li> <li>2. <i>The replacement extraction equipment will be accessed, serviced and maintained as per the arrangements for the existing extraction equipment (which is to be removed).</i></li> <li>3. <i>The Council records (photographs) show that the site notices were displayed on 19<sup>th</sup> October, as well as press advert, as per the Statement of Community Involvement requirements.</i></li> </ol>					
<b>Local groups comments:</b>	<p>Covent Garden Community Association (CGCA) objected on the following grounds:</p> <ol style="list-style-type: none"> <li>1. The proposed new extraction piping would pass through the private area behind 5 floors of existing flats above, at Phoenix House. This private area contains the staircases by which residents enter their dwellings, and the external balustrade areas that are used as their only balcony 'outside space'. The level of visual intrusion of this 50cm wide, industrial flue would be unacceptable. There is also likelihood of fumes, as well as possible noise at times when the area is otherwise silent (the Club does not close until 2.30am).</li> <li>2. The existing routing of the kitchen extraction system is satisfactory to all parties who currently occupy the commercial and residential properties. Any modernised equipment should therefore follow the same existing route.</li> <li>3. The applicant's drawings do not show elevations of the enclosed space, nor plans that would show proximity to the flats at upper levels. The adjoining residents also tell us that no communication has been received by them from the applicant as they would have expected as interested parties.</li> <li>4. The following conditions should be imposed: <ol style="list-style-type: none"> <li>a. Aesthetically pleasing cladding should surround any new metal</li> </ol> </li> </ol>					

pipng.

- b. All sound generated by this plant and equipment should not exceed 10 decibels below ambient at 1m from noise sensitive windows.
- c. Sound and smell emanating from the premises via this equipment should cause no public nuisance.
- d. Hours of use of equipment should be restricted.
- e. A maintenance log should be made available to neighbours on request.

*Officer Response*

1. *Please refer to paragraphs 2.1 – 2.3 for design assessment. The proposed replacement ductwork is considered to be no more harmful to visual amenity than the existing flue, which is to be removed.*
2. *The existing flue cannot be retained due to the proposed erection of the roof extension to provide two new residential dwellings.*
3. *The submitted drawings are considered satisfactory to determine the application. The Council records (photographs) show that the site notices were displayed on 19th October, as well as press advert, as per the requirements of the Statement of Community Involvement.*
  - a. *It is not considered necessary to condition cladding of the flue given its location within a lightwell amongst a number of other items of plant. Views of the flue would be partly shielded by the existing staircase.*
  - b. *Compliance with Camden's noise levels shall be secured by condition.*
  - c. *Odour emissions are controlled under the Environmental Protection Act.*
  - d. *The proposed ducting would comply with Camden's noise standards for 24 hour use and as such it would not be reasonable to restrict hours of use.*
  - e. *The Council's Environmental Health Officer has assessed the proposals and not requested this information.*

## Site Description

The site is located on the east side of Charing Cross Road on the corner with Phoenix Street. The site comprises a six storey building with commercial uses including the Phoenix Theatre and Phoenix Artist Club on the ground floor and residential flats on the upper floors with a courtyard area in the centre of the building. The theatre and basement club are accessed on the ground floor of the unit and extends to the rear of the building.

The building is not listed but is located within the Denmark Street Conservation Area. The adjacent Phoenix Theatre is Grade II Listed.

## Relevant History

2016/5190/P - Erection of 2 storey roof extension with garden room and terrace at rooftop level to provide 2 x 2 bedroom flats. Granted Subject to a Section 106 Legal Agreement 30/06/2017.

2011/0657/P - Installation of new supply and extract ventilation plant, rerouted kitchen extract ductwork connecting to the existing duct, relocation of 2 x condenser units, relocation of 3 x existing tanks on the roof of the ground floor extension, installation of 1 x air handling unit in lightwell adjacent to the metal stairs and ventilation extract. Granted 05/04/2011.

2010/2824/P - Erection of a single storey infill extension to existing ground floor courtyard to provide additional retail floorspace (Class A1). Granted 02/07/2010.

PSX0205099 - Infill extension of existing courtyard area to provide additional retail floorspace and the installation of an air conditioning unit. Granted 02/12/2002.

## Relevant policies

### National Planning Policy Framework 2018

### The London Plan 2016

### London Borough of Camden Local Plan 2017

A1 (Managing the impact of development)

D1 (Design)

D2 (Heritage)

A4 (Noise and vibration)

### Camden Supplementary Planning Guidance

CPG Design (July 2015, updated March 2018)

CPG Amenity (March 2018)

Denmark Street conservation area appraisal and management strategy 2010

## Assessment

### 1.0 Proposal

1.1 The existing rear lightwell contains the extract ventilation plant for the basement club, including the kitchen extract ductwork from the club which runs up the rear elevation from ground floor level to the rooftop.

1.2 Planning permission is sought to remove the existing ducting and update and relocate the extraction system. The proposals include the installation of a replacement extract fan and ductwork which would run from the rear basement lightwell up to roof level. The ducting would be located at the opposite end of the lightwell to the current arrangement.

### 2.0 Design

2.1 The courtyard to the rear of the building is enclosed and not visible from the wider public realm. The existing kitchen extraction fan is located at basement level, with the associated ducting running up the rear elevation of Phoenix House to rooftop level. The residential properties within Phoenix House are located in the upper floors of the building and are accessed to the rear by the metal staircase within the courtyard, with metal balconies on the rear elevation.

2.2 Due to the recently approved roof extension (see history section above), the proposed relocation is necessary to ensure the flue terminates above the new roof level and protect the amenity of new and existing residents. The relocated ductwork would not be visible from the wider conservation area and would replace the existing flue. The proposed kitchen extraction ducting would measure 500mm and would run vertically up the existing stair steelwork, terminating one metre above roof level. The new ductwork would be subordinate to the host building in terms of scale and bulk and is not considered to detrimentally impact the character and appearance of the host building or wider conservation area in comparison to the existing situation.

2.3 Given the fact that the proposed ducting would be of a similar size and appearance to the existing ducting, which itself is to be removed, it is not considered to materially impact the character or appearance of the host building or this part of the conservation area. The removal of the existing flue shall be secured by condition. The new flue would be located closer to the rear elevation of the Grade II Listed Phoenix Theatre, on the corner of Charing Cross Road and Flitcroft Street. However, given the fact it is located within an enclosed rear lightwell which currently features a number of existing utilities, services and plant, and due to the narrow width of Flitcroft Street which would mean it would not be visible within long or short views of the Theatre, it is not considered to cause harm to the setting of the listed building.

2.4 It is therefore considered that the proposed relocation and addition of plant and ductwork is acceptable in relation to design considerations.

2.5 Special regard has been attached to the desirability of preserving the adjacent listed building and its setting or any features of special architectural or historic interest which it possesses under s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act [ERR] 2013.

2.6 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 Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

### 3.0 Amenity

3.1 The residential units at Phoenix House have bathrooms and small kitchens with windows into the rear courtyard. The units are accessed to the rear via a metal escape stair. The planning system cannot protect views from individual private properties, but it can take into account outlook in terms of the effect of buildings that have an overbearing appearance or impact on neighbouring properties. The existing outlook is one of a fairly utilitarian nature, onto existing plant and extraction and the rear brick wall on the opposite side of the courtyard. Given the fact that the existing ductwork is to be removed, it is considered that although the outlook would be altered in comparison to the existing outlook the resulting impact would not be detrimentally worse.



Furthermore both the rooms to the rear of the flats within Phoenix House are non-habitable (kitchen and bathroom).

#### Noise and disturbance

3.2 An acoustic report has been submitted with the application which assessed the impact of the relocated plant on the residential flats. Noise levels were measured at a position at the end of the fourth floor access balcony overlooking the void area between the end of Phoenix House and the rear of the adjacent buildings in Flitcroft Street. They were also measured at position at the other end of the lightwell at first floor level adjacent to the existing basement extract duct as it enters the lightwell.

3.3 The report concludes that subject to necessary acoustic attention the proposals would not have a detrimental impact on the residential units. This has been verified by the Council's Environmental Health team. As such it is not necessary to condition the operational hours of the plant within the lightwell.

3.4 A condition is recommended which requires noise levels at a 1m point from sensitive facades to meet Camden's Noise Criteria. A further condition is recommended to require the provision of all the acoustic isolation and attenuation prior to the use commencing. These conditions will provide the Council with sufficient power to take enforcement action (in order to protect residential amenity) should the plant become noisier than anticipated in the future or is installed without the attenuation measures denoted. These conditions, together with the noise levels shown in the acoustic report submitted, are considered to be sufficient to protect residential amenity.

#### **4.0 Recommendation**

4.1 Grant conditional planning 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 24<sup>th</sup> December 2018, 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](http://www.camden.gov.uk) and search for 'Members Briefing'.***

Application ref: 2018/4492/P  
Contact: Laura Hazelton  
Tel: 020 7974 1017  
Date: 18 December 2018

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
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WC1H 9JE

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Bramah House  
65-71 Bermondsey Street  
London  
SE1 3XF

# DRAFT

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Full Planning Permission Granted

Address:

**Phoenix House**  
**104-110 Charing Cross Road**  
**London**  
**WC2H 0JP**

# DECISION

Proposal: Replacement and relocation of extraction ducting running from rear basement lightwell to roof level.

Drawing Nos: M/900 rev. P, M/901 rev. P, M/902 rev. P, M/903 rev. P, M/904 rev. P, M/905 rev. P, M/906 rev. P, M/910 rev. P, M/920 rev. P, M/921 rev. P, M/922 rev. P, M/923 rev. P, M/924 rev. P, M/925 rev. P1, M/926 rev. P, cover letter dated 18th September 2018 and Noise report prepared by Emtec Products Ltd. ref: QF9300/PF6131/PF6275/RP2 dated 9th August 2018.

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 Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: M/900 rev. P, M/901 rev. P, M/902 rev. P, M/903 rev. P, M/904 rev. P, M/905 rev. P, M/906 rev. P, M/910 rev. P, M/920 rev. P, M/921 rev. P, M/922 rev. P, M/923 rev. P, M/924 rev. P, M/925 rev. P1, M/926 rev. P, cover letter dated 18th September 2018 and Noise report prepared by Emtec Products Ltd. ref: QF9300/PF6131/PF6275/RP2 dated 9th August 2018.

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

- 3 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 policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 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).

The proposed plant and mitigation measures shall be installed in accordance with the recommendations identified in the noise report prepared by Emtec Products Ltd. ref: QF9300/PF6131/PF6275/RP2 dated 9th August 2018 to ensure compliance with the above criteria.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies D1, A1 and A4 of the London Borough of Camden Local Plan 2017.

- 5 Before the use of the extract ventilation system hereby approved commences, the system shall be installed within an acoustic enclosure and lined attenuators shall be fitted on the outlet and inlet of the fan, in accordance with the recommendations of the noise report (by Emtec Products Ltd. ref: QF9300/PF6131/PF6275/RP2 dated 9th August 2018)) hereby approved, to ensure compliance with the above criteria.

Within the enclosure, the fan shall be isolated from the structure by anti-vibration mounts. 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 A1, A4, and D1 of the London Borough of Camden Local Plan 2017.

- 6 The existing extraction flue shall be removed, as shown on the approved drawings, prior to the first use of the proposed replacement flue hereby approved.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that 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, Judd St, Kings Cross, London NW1 2QS (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 Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website 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 paragraph 38 of the National Planning Policy Framework 2018.

You can find advice about your rights of appeal at:

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

Yours faithfully

Director of Regeneration and Planning