

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	25/12/2018
		N/A / attached		<b>Consultation Expiry Date:</b>	02/12/2018
<b>Officer</b>			<b>Application Number(s)</b>		
Laura Hazelton			2018/5056/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
25-26, Red Lion Street London WC1R 4PS			Please refer to decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Installation of extraction louvre to front elevation (retrospective).					
<b>Recommendation(s):</b>		<p>i) Refuse planning permission</p> <p>ii) That the Borough Solicitor be instructed to issue an Enforcement notice under Section 172 of the Town and Country Planning act 1990 as amended to remove the unauthorised extraction louvre, and officers be authorised in the event of non-compliance, to commence legal proceedings under Section 179 or other appropriate power and/or take direct action under Section 178 in order to secure the cessation of the breach of planning control.</p>			
<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. notified	<b>00</b>	No. of responses	<b>09</b>	No. of objections	<b>09</b>
<b>Summary of consultation responses:</b>	<p>The application was advertised in the local press on 08/11/2018 (expiring 02/12/2018) and 2 site notices were displayed on 02/11/2018 until 26/11/2018.</p> <p>9 Letters of objection were received from the occupants of nos. 22, 25, 26, and 56a Red Lion Street, and 1 Princeton Street. All objections related to amenity impacts, a summary of which is provided below:</p> <ul style="list-style-type: none"> <li>• I object to the environmental impact of cooking odours from the restaurant. The fan ejects cooking odour (pervasive and apparently unfiltered) direct onto Red Lion Street, which is both an environmental issue at street level and when the front windows of our flat are open.</li> <li>• Extraction fan installed directly underneath bedrooms of flats at 25 and 26 Red Lion Street. Extraction fan blasts very strong smells into bedrooms, even when windows are closed. Suggestion would be for a fan with a pipe that only opens above roof level.</li> <li>• Object to the fan, noise, smells, rubbish and leaking of the main fan.</li> <li>• I am unable to sleep because of the noise and vibrations.</li> <li>• The nature of the food – hot pot cooked by customers at tables – means that the restaurant generates a level of smell pollution beyond the norm and far worse than any other restaurant on the street.</li> <li>• The fan is extremely noisy.</li> </ul>					
<b>CAAC/Local groups comments:</b>	No response received from Bloomsbury CAAC.					

## Site Description

The application site contains 2 x 4 four storey plus basement, mid terrace buildings located on the east side of Red Lion Street, near its junction with Princeton Street. The basement and ground floor to Nos.25 and 26 are in use as a restaurant (Class A3). The upper floors are in residential use (C3). The immediate area surrounding the application site is characterised by a mix of restaurants, commercial and residential uses.

The site is located within Bloomsbury Conservation Area and Archaeological Priority Area and has been identified as making a positive contribution to the character and appearance of the conservation area.

## Relevant History

2018/4645/P - Erection of canopy within rear garden (retrospective). Planning Permission Refused and Warning of Enforcement Action to be Taken on 13/12/2018 for the following reasons:

1. The proposed canopy, by reason of its design, size, siting, material and insubordinate relationship with the host building, is considered to be harmful to the character and appearance of the host building, the open nature of its rear garden, and the character and appearance of this part of the Bloomsbury Conservation Area, contrary to policies D1 (Design), D2 (Heritage) and A2 (Open space) of the London Borough of Camden Local Plan 2017.
2. The proposed development including the introduction of 'at table' cooking, by reason of its location and lack of supporting details to address noise and odour impacts, would cause unacceptable harm to the amenity of surrounding residential occupiers, contrary to policies A1 (Managing the impact of development), A4 (Noise and vibration), and TC4 (Town centre uses) of the London Borough of Camden Local Plan 2017.

2014/5910/P (Refused 07/11/2014, Appeal dismissed 18/03/2015) - Erection of a roof extension at 4th floor level to provide a 2 bedroom flat and associated reconfiguration of existing extract duct to the rear.

2013/3640/P (Refused 09/01/2014) Roof extension at 4th floor level to provide 2no. 1 bedroom flats and associated reconfiguration of existing extract duct to the rear.

2010/5145/P (Granted 29/11/2010) Erection of single storey rear extension to existing restaurant (Class A3) – Not implemented.

PSX0204503 (Granted 08/07/2002) Alterations at rear including single storey extension in connection with existing restaurant.

PSX0204504 (Granted 19/08/2002) Installation of kitchen extract flue located on the rear elevation.

PS9904623 (Granted 28/10/1999) Change of use of part basement and ground of no.25 from retail use, and amalgamation with existing restaurant use at basement and ground of no.26 to form a food and drink (A3) unit with associated shopfront alterations.

## Relevant policies

### National Planning Policy Framework 2018

### The London Plan March 2016

### Camden Local Plan 2017

Policy A1 Managing the impact of development

Policy A2 Open Space

Policy A4 Noise and vibration

Policy D1 Design

Policy D2 Heritage

### Camden Planning Guidance

CPG1 Design (July 2015, updated March 2018)

CPG Amenity (March 2018)

Bloomsbury Conservation Area Statement 2011

## Assessment

### 1.0 Proposal

1.1 Retrospective planning permission is sought for the installation of an extraction louvre to the front elevation measuring 50cm x 50cm which serves the dining room.

### 2.0 Assessment

2.1 The principle considerations in the determination of this application are as follows:

- Design (the impact of the proposal on the character and appearance of the host building and wider Bloomsbury Conservation Area),
- Amenity (impact on neighbouring amenity in terms of daylight/sunlight, outlook, privacy, noise and odours).

### 3.0 Design

3.1 The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. Policy D1 of the Local Plan requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings. Camden's Development Policies Document is supported by CPG1 (Design) and the Bloomsbury Conservation Area Statement.

3.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Buildings Act") is relevant. Section 72(1) of the Act requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area when considering applications relating to land or buildings within that Area.

3.3 The proposed (and installed) extraction louvre has been inserted in place of an existing four-

pane glass window within the shopfront. It measures 50cm x 50cm and is coloured white.

- 3.4 The louvre serves a new extraction system serving the internal dining rooms and is the only external alteration associated with this. Whilst the louvre panel is a similar size to the adjacent window panes, the colour, material and appearance of the panel is at odds with the rest of the shopfront and adjacent windows which are painted black timber. Consequently, the louvre panel appears as a highly visible and incongruous addition which results in harm to the character and appearance of the shopfront and this part of the Bloomsbury Conservation Area, contrary to policies D1 and D2 of the Camden Local Plan.

#### **4.0 Amenity**

- 4.1 Policies A1 and A4 seek to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise, daylight and sunlight, noise and odour impacts.
- 4.2 Policy A1 recognises the impact that odours, fumes and dust can have and their potential to cause a range of health problems, and states that the Council will require all development likely to generate nuisance odours to install appropriate extraction equipment and other mitigation measures. These should be incorporated within the building where possible. External extraction equipment and ducting should be sited sensitively, particularly on listed buildings and within conservation areas (paragraphs 6.21 – 6.22).
- 4.3 Likewise, Camden's Town Centres CPG highlights that extraction, food storage and other machinery can be unsightly and cause noise / vibration. Pollution of this kind will be controlled through the design of the premises, conditions and legal agreements imposing management arrangements. Where appropriate, controls will seek sound-proofing (on the premises or to nearby premises), siting of machinery to minimise fumes, noise / vibration and visual intrusion, closure of doors and windows, limits on amplification and upper limits on the noise level generated (paragraph 2.18).
- 4.4 Objections have been received from neighbouring residents relating to the noise and odour resulting from the use of the ground floor extraction louvre and the impact on the habitable residential rooms directly above.
- 4.5 A noise impact assessment has been submitted to assess the noise emissions from the air extractor fan located behind the louvre screen. The noise assessment demonstrated that the fan would exceed background noise levels by 5dB and as such, would not comply with Camden's requirement for plant noise to be at least 10 dB below the lowest background noise levels. The report recommends the installation of noise control measures such as a silencer fixed to the exhaust side of the fan. The submitted proposed drawings are annotated to show that a silencer would be installed to the fan as per the recommendations made in the noise report. If the application were considered acceptable in all other regards, a condition would be imposed requiring the applicant to submit manufacturer's details of the silencer, to ensure the installation and retention of the silencer, as well as evidence of compliance with the Council's noise standards. However, in the absence of such information, this would form a reason for refusal.
- 4.6 A number of complaints have been received both in response to the current application and directly to the Council's Environmental Health Team regarding disturbance caused by cooking odours from the 'at table' cooking taking place at the site and dispelled by the extraction system

into the habitable rooms of the flats above the restaurant. The Council's Environmental Health Officer (EHO) has reviewed the proposals and information submitted with the application information and confirmed that the extraction system venting at a low level above the front door is not best practice in terms of odour control. Air extraction systems should discharge not less than 1m above the roof ridge of any building within 20m of the building housing the commercial kitchen. If this requirement cannot be complied with, then the extracted air should be discharged not less than 1m above the roof eaves or dormer window of the building housing the commercial kitchen. If neither of these requirements can be complied with, then an exceptionally high level of odour control would be required.

- 4.7 The applicant has not provided an Odour Risk Assessment or Odour Management Plan to set out cleaning, maintenance, filter replacements and servicing commitments, as would be expected. Without this information, and in light of the complaints received from neighbouring residents, the installation of a low-level extraction system would be contrary to policies A1 and A4 and would form a third reason for refusal.

## **5.0 Conclusion**

- 5.1 Due to the harm caused to the character and appearance of the host building and wider conservation area, and to neighbouring amenity by way of noise and odour disturbance, it is recommended that planning permission is refused and enforcement action is taken to ensure cessation of use of the extraction system, and to remove the unauthorised louvre panel and reinstate the original window pane.

## **6.0 Recommendation**

**Recommendation 1:** Refuse Planning permission

**Recommendation 2:** That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town and Country Planning act 1990 as amended to cease use of the extraction system and remove the unauthorised louvre panel, and officers be authorised in the event of non-compliance, to commence legal proceedings under Section 179 or other appropriate power and/or take direct action under Section 178 in order to secure the cessation of the breach of planning control.

**The Notice shall allege the following breach of planning control:**

Installation of louvre panel to front elevation with associated extraction system serving dining room.

### **WHAT YOU ARE REQUIRED TO DO:**

1. Totally remove the louvre panel and reinstate window to match the existing adjacent windows with regard to the material, colour, texture and profile; and
2. Cease use of the extraction system serving the internal dining room.

### **PERIOD OF COMPLIANCE**

The Notice shall require that the louvre panel shall be replaced and that the use of extraction system shall cease within a period of 1 month of the Notice taking effect.

## **REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE.**

1. It appears to the Council that the above breach of planning control has occurred within the last 4 years.
2. The louvre panel, by reason of its design, siting, material and colour, is considered to be harmful to the character and appearance of the host building and the character and appearance of this part of the Bloomsbury Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.
3. The extraction system, by reason of noise disturbance and lack of supporting details to address and mitigate noise impacts, would cause unacceptable harm to the amenity of surrounding residential occupiers, contrary to policies A1 (Managing the impact of development), A4 (Noise and vibration), and TC4 (Town centre uses) of the London Borough of Camden Local Plan 2017.
4. The extraction system, by reason of odour disturbance and lack of supporting details to address and mitigate odour impacts, would cause unacceptable harm to the amenity of surrounding residential occupiers, contrary to policies A1 (Managing the impact of development), A4 (Noise and vibration), and TC4 (Town centre uses) of the London Borough of Camden Local Plan 2017.