

Our Ref: 19029/JG/ta/je
Your Ref: PP-07681155
Email: jgleeson@firstplan.co.uk
Date: 11 March 2019

Mr John Sheehy
Planning Department
Camden Council
5 Pancras Square
London
N1C 4AG

Dear John,

PLANNING AND LISTED BUILDING CONSENT APPLICATION FOR REPLACEMENT PLANT ROSA'S THAI CAFÉ, 26 EARLHAM STREET, LONDON, WC2H 9LN

We have been instructed by our client, Rosa's London Limited, to submit the enclosed planning and listed building application online via the Planning Portal (ref: PP-07681155) for replacement plant at the above address. The application has been submitted following various discussions and an onsite visit with Mr John Sheehy (Senior Planning Officer) and Mr Camilo Castro-Llach (Noise Officer) and seeks to address issues of noise and disturbance associated with the existing plant.

According with national and local validation requirements, the application comprises of the following documents:

- Completed Planning and Listed Building Consent forms;
- Completed CIL forms;
- Site Location Plan;
- Block Plan;
- Existing First Floor Plan (Drawing Ref. 319.GA.03);
- Existing Rear Elevation (Drawing Ref. 319.EX.07);
- Proposed Rear Elevation (Drawing Ref. 001-612-01);
- Powerbox Fans Manufacturer's Specification;
- Plant Noise Impact Assessment (prepared by NSL Noise Solutions Ltd);
- Heritage Statement (included within this letter); and
- Design and Access Statement (included within this letter).

The requisite planning fee of £462 has been paid online via the Planning Portal.

Site Description

The application site comprises a four-storey, terraced Georgian townhouse, with associated basement floorspace, located on Earlam Street near to Seven Dials. The building itself and the adjoining property, No. 24, are of Grade II Listed Building status and form part of the Seven Dials Conservation Area. The rear of the property faces the Tower Court which leads on to Monmouth Street to the south.

The application site is an existing restaurant, currently occupied by Rosa's Thai Café and sits between Café Nero within the modern six storey building fronting on to Seven Dials and the Udderlicious Ice Cream parlour, which also occupies a listed building. The four storeys of the building are solely occupied by the restaurant, with the kitchen operating within the basement and the restaurant spanning across the ground, first and second floors.

The surrounding area is primarily occupied by a mixture of commercial and business uses at ground floor level, with residential uses above. The nearest residential property is the flat located on the upper floor of the adjacent building, No.24 Earlham Street.

Relevant Planning History

The application site has an extensive history of operating as a restaurant use, dating back to 1969. Much of the available history relates to numerous applications for external alterations to the shopfront and the installation of signage. The building was previously occupied by the Sartaj Indian Restaurant until 2017 when Rosa's Thai Café took over the premises.

Of relevance, listed building consent was granted (ref. 2016/6709/L) in March 2017 for installation of a new shopfront and associated signage; internal alterations to include the strip out all modern partitions, joinery, modern metal staircases, wall and floor finishes throughout, reinstating timber staircases from basement to the first floor level, new stud walls to approximate original location to perimeter of staircase, modern light weight partitions to form WC enclosures and repair of the fabric of the original and existing staircase. Planning permission (ref. 2016/6779/P) was also granted for the installation of a new shopfront to the restaurant (Class A3) in March 2017.

Additionally, advertisement consent was sought for the display of an externally illuminated fascia sign and a non-illuminated awning (ref. 2017/0897/A). This application was granted permission in March 2017.

More recently, a planning contravention notice was issued by Camden Council on 18 October 2018. The notice alleged that there was a breach in planning regulations relating to the plant permitted at the site. Following discussions between John Sheehy and our client, it became apparent that the existing plant was causing noise disturbance to the surrounding residents. This application has been submitted following further discussions and an onsite visit with Mr John Sheehy and Mr Camilo Castro-Llach to seek to resolve this issue and to upgrade the existing plant at the restaurant and ensure that the Council's noise criteria can be met.

Application Proposals

It is understood that the Council have received a number of complaints in relation to the noise emitted from the existing plant and therefore this listed building consent and planning application has been carefully considered to ensure that appropriate mitigation measures are installed. The background noise levels have been assessed and discussions held with officers of the Council, including an on-site meeting to discuss the issues.

The alteration proposed seeks to install 1 No. Flaktwoods ESTOC 80-630-3 Air Handling Unit within the existing rear lightwell. This will replace the existing unit which will be removed. In addition, a silencer will be fitted to the air supply (1 no 800x800 x 600 Long, 1 no 800x800 x 1200 long).

The application is supported by a Noise Impact Assessment prepared by Noise Solutions Limited.

Relevant Planning Policy

The Development Plan documents comprise of the Camden Local Plan (2017), Policies Map (2017), Site Allocations Plan (2013), and London Plan (2016). The National Planning Policy Framework (2019), and Camden Supplementary Documents are also considered relevant.

Camden Local Plan (2017)

Policy A1 sets out that the Council will seek to ensure that the quality of life of occupiers and neighbours is protected. Specifically, the policy notes that it seeks to ensure that development successfully contributes towards strong and successful communities by balancing the needs and characteristics of local areas and communities. The factors taken into consideration include noise and vibration, as well as odour, fumes and dust, which can have a major effect on amenity.

Policy A4 is concerned with ensuring that noise and vibration is effectively controlled and managed. The Council strictly states that permission for noise generating development, including plant and machinery, will be granted if it can be operated without causing harm to amenity. Additionally, it notes that planning conditions will be imposed to ensure that plant and equipment operates within the required noise limits and time restrictions.

Policy D1 seeks to ensure that design is of the highest quality, that respects local context and character and is sustainable in its design and construction.

Policy D2 outlines the Council's approach to preserve and enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings. The policy sets out that the Council will not permit the loss of or substantial harm to a designated heritage asset, unless it can be demonstrated that the harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Camden Planning Guidance 6: Amenity (2018)

The document provides further guidance in relation to protecting amenities. Specifically relating to noise and vibration, the document reiterates Policy A4 and requires new development to mitigate against potential noise impacts.

The guidance requires that applications for plant are supported by a noise assessment and manufacturer's specification details. The proposed plant is of an efficient and quiet design. The noise assessment predicts that the noise levels shall be within the local authority requirements.

Camden Planning Guidance 1: Design (2015 updated 2018)

Guidance is provided for all sorts of design within the borough; of specific relevance to the application, the document sets out that in relation to heritage assets development should pay regard to its importance and preserves and enhances the character and appearance of the area.

Additionally, the planning guidance requires that external plant should be designed to avoid harmful reduction in daylight and sunlight or cause nuisance to occupiers. Machinery must be installed and maintained to ensure that impacts are properly mitigated and the situation does not deteriorate over time with continued operation.

The application proposals have been carefully designed to accord with the design principles set out within this document. The new unit will be situated in an enclosed area that accommodates existing plant. It will not result in any loss of daylight/sunlight or undue impact on amenity or heritage.

Seven Dials Estate Conservation Area Statement (1998)

This statement sets out the Council's approach to preserving and enhancing the Seven Dials (Covent Garden) Conservation Area. The statement describes Camden's unique character and describes how its vibrant economic activity combined with its conservation of the built heritage has helped to create a place that is key to Camden and to London. Earlham Street has been identified within the statement as one of the key sub areas within the conservation area, recognised for its distinctive historic quality and design.

Planning and Heritage Statement

The reason for making this application is to ensure that a scheme for plant at the site can be operated without harm to the amenity of surrounding occupiers. Given the building's listed status and location in a conservation area, the impact on the heritage significance is also an important consideration. These issues are addressed below.

Heritage Considerations

The Historic England Listing (List Entry Number: 1342093) describes No. 24 and 26 Earlham Street as:

"Terraced houses with shops. Early C19, altered mid C19. Multi-coloured stock brick; No.26 painted. Slate mansard roof with dormers. 3 storeys. 2 windows each: No.24 with 4-window return, blank windows alternating. C20 shopfronts. Architraved sash windows with 1st floor console bracketed cornice. No.24 with stucco corner inscribed "R PORTWINE". Original lead rainwater head. INTERIORS: not inspected."

Numbers 24 and 26 are enclosed to the back by the modern property fronting Monmouth Street and Tower Court. There is a small lightwell to the rear, but this is not open to any public views and there are no windows overlooking the lightwell from surrounding buildings, just the high flank walls of the neighbouring buildings. The existing plant is located within this area and the Council have found the location of plant in this area acceptable in the past, having the least impact on the building. The rear of the property has thus been substantially altered and retains little significance and makes no contribution to the conservation area. The existing photographs 1 - 4 below show the existing plant and lightwell.





This application seeks to install replacement equipment at the site, specifically a new air handling unit and attenuation to the existing plant. Redundant plant will be removed. These alterations are proposed within an existing plant area in the rear lightwell. As such, the proposal will preserve the character and appearance of the conservation in accordance with Policies D1, D2 and Camden Planning Guidance 1: Design and not result in any harm to the significance of the listed building.

Impact on Amenities

A Noise Impact Assessment has been prepared by Noise Solutions Limited and submitted in support of the application. The report was carried out to determine the existing background sound levels in the vicinity of nearby noise sensitive premises and to set appropriate limits for noise egress to be consistent with the requirements of Camden Council.

In order to protect surrounding amenity, as well as the wider conservation area, the air handling unit has been redesigned and will be replaced to conform with the criteria set by the local authority and to mitigate any noise disturbance. The accompanying Noise Impact Assessment concludes that the high quality and efficient redesign of the proposed air handling unit and the associated attenuation measures including an acoustic enclosure, will ensure that the proposed plant is significantly quieter than the existing equipment it will replace.

The proposed plant will be in compliance with the advice contained within Camden Planning Guidance: Amenity and Policies A1 and A4 and as such will preserve the residential amenity of the neighbouring occupiers.

Design and Access Statement

Use

There are no changes proposed to the existing restaurant (Class A3) use as part of this application. The application proposal simply seeks replacement plant within the lightwell of the existing building which already accommodates similar mechanical services.

Scale and Amount

The application proposal simply seeks to install replacement plant work to the rear of the building. The proposed works will not change the scale of the property but will simply replace the existing equipment for modern and sustainable alternatives. The proposed plant is considered typical in scale and amount for a restaurant.

Layout and Appearance

The proposal seeks replacement plant and attenuation within the existing rear lightwell area. The proposed equipment will not have an impact on the wider host building and will be similar in layout and appearance to the existing plant at the site.

Landscaping

There are no proposed changes to the landscaping as part of this application.

Access

There are no proposed alterations to the access of the building. Access to the plant within lightwell will remain as existing and this area will be accessible for servicing only.


Conclusions

The application proposal seeks replacement plant at the existing Rosa's Thai Café at 26 Earlham Street. The Noise Impact Assessment submitted in support of the application demonstrates that noise levels from the plant with the proposed mitigation measures are within the Council's required limits at the nearest noise sensitive premises and will not cause material harm to the amenity of surrounding occupiers.

As such, it is considered that the proposals put forward are entirely appropriate within this existing plant location and would preserve the residential amenity of neighbouring occupiers, and will not affect the significance of the Grade II listed host building or the surrounding conservation area. The proposals comply with the relevant Camden Local Plan policies and guidance, as well as the guidance contained within the National Planning Policy Framework. We therefore trust the Council will conclude that the proposal is acceptable and should be supported.

We trust you have sufficient information to enable a positive determination of the applications and we look forward to receiving confirmation that the applications have been validated. In the meantime, should you require any further information please do not hesitate to contact me.

Yours sincerely,



JANE GLEESON
Director

Enc.