

Our Ref: 19029/JG/ta  
Your Ref: PP-08896024  
Email: [jgleeson@firstplan.co.uk](mailto:jgleeson@firstplan.co.uk)  
Date: 21 July 2020

Planning Department  
Camden Council  
5 Pancras Square  
London  
N1C 4AG

Dear Sir/Madam,

**PLANNING AND LISTED BUILDING CONSENT APPLICATIONS  
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-08896024) for replacement plant at the above address. The application has been submitted following planning and listed building consent approved in March 2019 in relation to the replacement of the air intake positioned within the rear lightwell at the site, and further ongoing discussions with Mr John Sheehy (Senior Planning Officer) in relation to all external plant at the site. The proposals seek to address continued concerns of noise and disturbance associated with the extract equipment to the rear of the site.

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 Ventilation Layout Plant Deck and Elevation (drawing no. 001-612-01D);
- Proposed Ventilation Layout Plant Deck and Elevation (drawing no. 001-612-02A);
- Existing and Proposed Ground Floor Ventilation Layout (drawing no. 001-612-03A);
- Proposed Ground Floor Ventilation Layout and Elevations (drawing no. 001-612-04);
- Plant Noise Impact Assessment (prepared by NSL Noise Solutions Ltd);
- Photographs of Site (included within this letter);
- 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 Earlham 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 site comprises a three storey, mid terrace, brick building with a roof extension. Rosa's Thai occupies all levels of the building, with the kitchen operating within the basement and the restaurant spanning across the ground, first and second floors. In terms of its appearance, the ground floor comprises a painted timber shopfront with entrance door at the side, whilst the upper floors are a white painted brick. Rosa's Thai undertook an internal fit out of the restaurant in 2017 typical for a restaurant. To the rear of the site is a small rear extension, above which is a lightwell which now houses the plant. There are limited views to the plant area due to the buildings which surround all sides of the application site.

Rosa's Thai Café 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 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.

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.

Planning and listed building consent applications were submitted to the London Borough of Camden and registered under refs: 2019/1307/P and 2019/1440/L. These applications sought the “*installation of replacement plant and attenuation to the flat roof at first floor level within the enclosed rear lightwell*” and related to the air intake only.

Both applications were granted permission on 29 March 2019 and works approved by the application completed by June/July 2019. A site visit was undertaken by Mr John Sheehy and Mr Camilo Castro-Llach (Camden Noise Officer) on 05 July 2019 where it was confirmed that the works had taken place.

A Breach of Condition Notice was issued to Rosa’s Thai on 22 January 2020 (ref: 1800.1440). The notice alleged that the restaurant was in breach of conditions 4 and 5 of planning permission ref: 2019/1307/P.

Condition 4 states:

***“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).”***

Condition 5 states:

***“Prior to use, machinery, plant or equipment and ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.”***

Following receipt of the Breach of Condition Notice, further information was provided to London Borough of Camden including a noise report confirming that the air intake fan met the requirements of Condition 4 and photographs to demonstrate Condition 5. John Sheehy responded via email dated 12 March that there was additional equipment including carbon filters and areas of ducting as well as the extract fan motor and silencers which did not have consent and as such the Council would move forward with prosecution procedures.

In response to this, and the situation with coronavirus, the applicant closed the restaurant on 26th March 2020. The applicant and their consultant team have been working to find a solution to the noise concerns and this application seeks alterations to the extract fan to address these concerns.

It is confirmed that the restaurant remains closed to date.

## **Application Proposals**

The application proposals seek a comprehensive scheme to address the complaints received by neighbours and comments raised by London Borough of Camden in relation to the plant within the rear lightwell of the site. The proposal seeks to upgrade, replace and relocate plant at the premises. The background noise levels have been assessed and discussions held with Mr Camilo Castro-Llach and the applicants noise consultant, Noise Solutions Limited (NSL). The alterations to the plant at the site are detailed on the drawings prepared by Chapman Ventilation and submitted in support of the application. The proposals predominately relate to the existing rear lightwell area which has historically been used for plant, as well as the interior of the rear extension to the restaurant. The rear lightwell extends from the flat roof to the rear extension of the property.

It is proposed to remove the extract fan and silencer from the lightwell and to install new equipment comprising the replacement of the extract fan, additional ducting, silencers, and odour control equipment within the rear extension area at ground floor level. The equipment will all be housed internally but will connect to amended ductwork rising up the lightwell to discharge at high level. This will result in the loss of around 11 internal covers to the restaurant.

To the rear lightwell, the scheme seeks to replace the existing 600x 250 duct with a slightly larger 600 x 600 duct, a silencer will then be fitted to this duct. The replacement duct will terminate above roof level as existing.

All equipment will be installed on anti vibration mounts.

The air intake previously approved and installed in 2019 will remain as existing.

## **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**

This application has been submitted to replace existing plant at the existing restaurant. The proposal must ensure that the replacement plant can be operated without harm to the amenity of surrounding occupiers and the host listed building and surrounding conservation area. These are the relevant issues for consideration of this application and are addressed below.

### Heritage Impact

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 1<sup>st</sup> floor console bracketed cornice. No.24 with stucco corner inscribed “R PORTWINE”. Original lead rainwater head. INTERIORS: not inspected.”*

The buildings were listed on 15 January 1973.

This application seeks to install replacement equipment at the site. These alterations are proposed within an existing plant area in the rear lightwell and internally within the rear extension of the premises. Photographs of the site are provided at Appendix 1 of this letter.

## APPENDIX 1

The interior of the building has been significantly altered in the past. Indeed, more recently and specifically in relation to Rosa’s occupation of the building, permission was granted for their fit out in 2016 (ref: 2016/6709/L). A number of documents were submitted in support of this application including a Historic Survey, Design and Access Statement Rev A prepared by Gundry and Ducker dated 01.03.17. This explains that in circa 1975 *“the ground floor was extended into the rear yard area. A beam was inserted and a flat roof installed.”* This extension covers the base of the rear lightwell and the existing plant is located above this extension. The new plant will be located within the extension and the duct will rise through the lightwell.

Helpfully, the 2016 application and Gundry and Ducker documents include a historic survey of the building. This lists original remaining features of the building and contains photographs of the building prior to Rosa’s fit out. Original remaining features were the cast iron column at basement level, shutter boxes to first floor sash windows, original panelling under front windows on first floor, original stair at first and second floors and timber partition between stair and adjoining room on second and third floor. The 2016 application concluded that there were no features of significance at ground level and the application was approved by London Borough of Camden on 31 March 2017.

The application proposals seek to install new plant within the rear ground floor extension at the site. As shown in the photographs appended to this letter, the external area has been fitted out for typical restaurant use. This has fixed and loose covers, as well as modern wall, floor and ceiling finishes and decoration. There is concealed ductwork at high level. As such, it is considered that the replacement of these modern fixtures and features with internal plant should be considered acceptable. The proposal will not result in any loss of heritage significance.

Externally, Nos. 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. As mentioned, permission was granted last

year for alterations to the air intake within the lightwell, this further confirms that this location is acceptable in design terms for plant, with no adverse impact on significance.

This application seeks no alterations to the basement, upper floors or front elevation of the property, areas which have greater heritage significance. As there are no alterations proposed within these areas the special interest of the host listed building will not be adversely impacted. Additionally, due to the location of the alterations, confined to the rear modern interior extension and rear enclosed plant lightwell area there will be no views from the conservation area and as such no detriment to the conservation area.

Overall, it is considered that 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 nor the wider conservation area setting.

### Impact on Amenities

It is considered that the application proposals will not have any adverse impact on the surrounding amenities; indeed, relocating the extract fan internally and replacing it with a high quality and efficient model will significantly limit any noise impacts. The applicant and their consultant team have worked extensively to ensure that the end result is a scheme which adheres with London Borough of Camden policies and guidance. This has included liaising with the Council planning and noise officers.

A Noise Impact Assessment has been prepared by Noise Solutions Limited (NSL) and submitted in support of the application. The report has been undertaken with the background levels of 34dB as agreed with Mr Castro-Llach via email with NSL on 24 March 2020. NSL confirm that *“the cumulative noise of all the Rosa Thai plant, i.e. noise from the extract and the intake fan, must not exceed the limit at the window”* and that the calculations and tables in the report *“presents the cumulative level of the predicted noise from the extract fan, and the measured noise from the intake fan at the receptor”*.

The report concludes that *“the results of the assessment indicate that the cumulative levels of all Rosa Thai plant, i.e. the intake and extract fan, will be within the criteria agreed with London Borough of Camden”*.

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. Further plant is proposed internally within a rear extension of the restaurant, this will result in a reduction of covers at the restaurant.

## Scale and Amount

The proposed plant is considered typical in scale and amount for a restaurant. The proposal will result in circa 11 less covers at the restaurant due to the relocation of the extract fan internally.

## Layout and Appearance

The rear layout of the lightwell area will largely remain as existing. This area comprises of plant already and the scheme will not result in a significant difference to this.

Internally, the existing rear extension which is currently used as customer seating for the restaurant will be repurposed for the relocation of the extract fan for the restaurant.

## Landscaping and Access

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

There are no proposed alterations to the access of the building. Access to the rear room for servicing the plant will be through the restaurant as existing. 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 scheme seeks to replace and relocate plant to the rear of the premises, including the relocation of the extract fan internally within the restaurant. The scheme will result in the loss of covers/ money generating floor space at the restaurant but has been carefully considered by the applicant to ensure no adverse impact on the surrounding area whilst respecting the host listed building and surrounding conservation area. The proposals represent Rosa's Thai commitment to ensuring that the restaurant remains a good operator.

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 faithfully,





JANE GLEESON  
Director

Enc.

# Appendix 1

## Existing Photographs of Site

### Photographs of the Rear Plant Area (Prior to 2019 Works)



Existing Rear Interior



