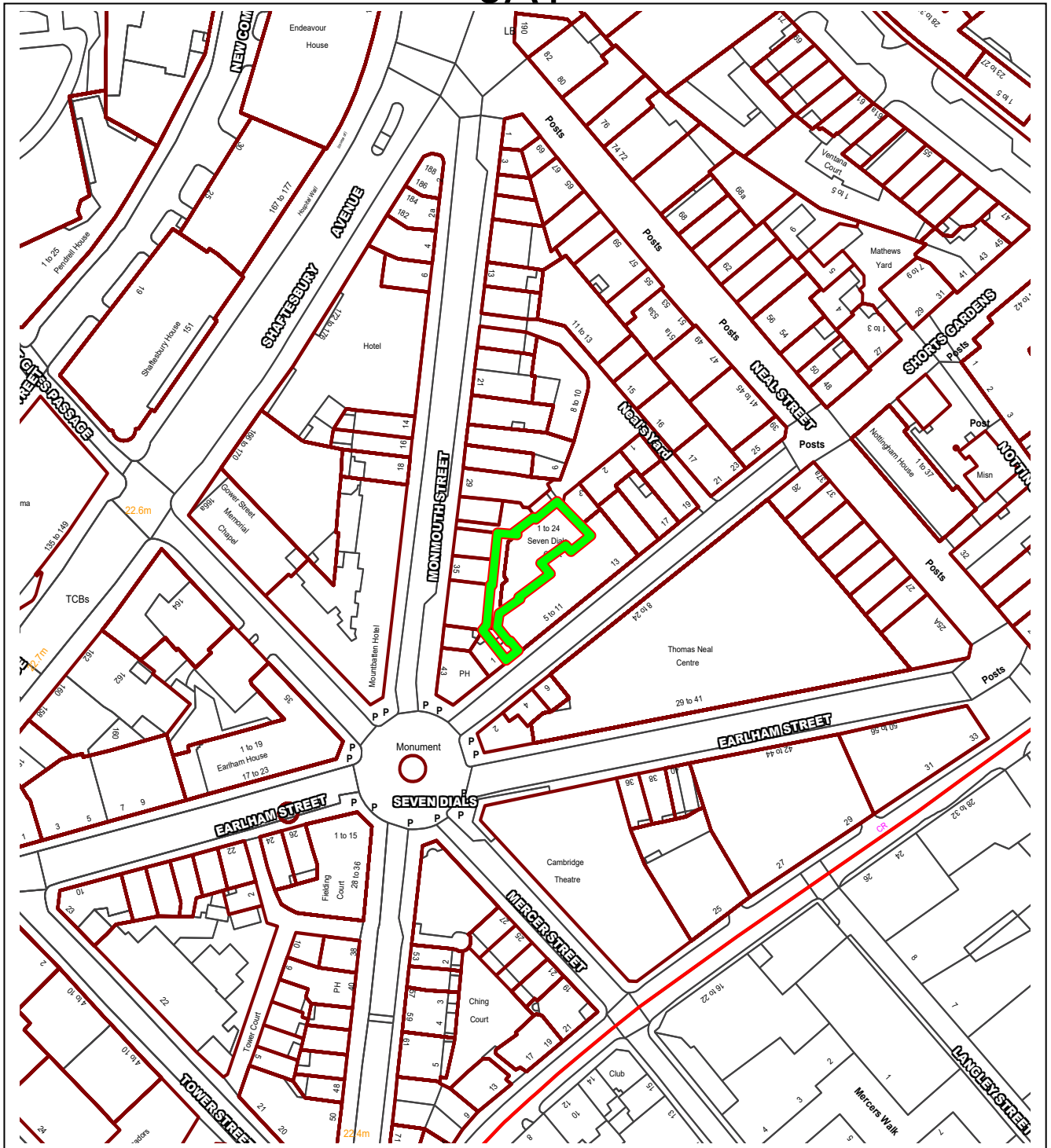


# 3 Shorts Gardens, London, WC2H 9AT



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Photo 1 (above): Aerial view of site. Existing plant on roof is visible covered by a green tarpaulin



Photo 2 (above): Courtyard of Seven Dials Court looking north-east towards Neal's Yard. The existing plant on the roof can be seen covered by a green tarpaulin.





Photo 3 (above): Roofline of 3 Shorts Gardens as viewed from Neal's Yard. The existing plant enclosure is shown covered by a green tarpaulin



Photo 4 (above): North elevation of site adjacent to 3 Neal's Yard to which the linear access panels would be installed

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>20/11/2020</b>
(Member's Briefing)		N/A	<b>Consultation Expiry Date:</b>	<b>22/11/2020</b>
<b>Officer</b>			<b>Application Numbers</b>	
Charlotte Meynell			2020/4399/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
3 Shorts Gardens London WC2H 9AT			Refer to draft decision notice	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposals</b>				
Installation of replacement internal extract duct and associated new external access hatches to north-western side elevation, and replacement plant enclosure on main roof.				
<b>Recommendation:</b>	<b>Grant conditional planning permission</b>			
<b>Application Type:</b>	<b>Full planning permission</b>			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
<b>Consultations</b>				
Adjoining Occupiers:	No. of responses	4	No. of objections No. of comments	3 1
Summary of consultation responses:	<p><u>A site notice was displayed on 28/10/2020 and expired on 21/11/2020.</u>  <u>A press notice was advertised on 29/10/2020 and expired on 22/11/2020.</u></p> <p>Responses received from the following addresses:</p> <ul style="list-style-type: none"> <li>- 18 Seven Dials Court</li> <li>- 19 Seven Dials Court</li> <li>- 7A Neal's Yard</li> <li>- 14 Neal's Yard</li> </ul> <p>Responses were as follows:</p> <p><b><u>Design and appearance</u></b></p> <ul style="list-style-type: none"> <li>- I am in favour of improving the look of the enclosure which is currently tatty.</li> <li>- Anything that minimises visually the impact of the ducts would be appreciated such as planting together with noise mitigation measures.</li> <li>- The equipment needs to be enclosed by panels and roof enclosures preferably with green planting to help pollution and provide a natural outlook for residents like myself living on a similar height to the hatches.</li> </ul> <p><i>(Officer response: please refer to paragraphs 3.1-3.3 of the report)</i></p> <p><b><u>Amenity</u></b></p> <ul style="list-style-type: none"> <li>- Noise mitigation measures should be included to ensure the noise will be tonal. In practice it will be noticeable especially on my outdoor amenity space which is just above the extractor and in my bedroom if the window is open.</li> <li>- I think the acceptable noise limit is too high in a very quiet, secluded historic area. I rely on opening my windows into the courtyard for ventilation and will be disturbed by the noise, especially at night. The target ambient level is too high for such a quiet residential area, already extremely quiet and even more so now that it is pedestrianised. It should be noted that 4 additional homes have been built into this area, and another two are planned, meaning it is densely populated with small units that rely on windows on this side for ventilation in the summer. If the noise cannot be further attenuated I think there should be a timer preventing the system from being used between 11pm and 8am, as the restaurant does not operate within these hours. This should be achieved by means of a timer, and not on a trust basis, as unfortunately local restaurants have a poor track record of complying with local rules designed to protect residents.</li> <li>- A condition should require that there be a smoke filter, which is changed regularly and a condition should prohibit the emission of visible smoke-- (which from a kitchen tends to have an offensive odour)--which the previous extractor often did.</li> <li>- A condition should require annual reports by independent monitors that (1) the noise report's predictions are correct and (2) the smoke filtering system is functioning properly. The equipment needs a</li> </ul>			

	<p>maintenance schedule and proof of maintenance needs to be able to be produced upon request from affected parties.  <i>(Officer response: Please refer to paragraphs 4.1 to 4.3 in the 'Neighbour Amenity' section of the report below)</i></p>
<p><b>Covent Garden Community Association:</b></p>	<p>In response to the proposal, the Covent Garden Community Association objected on the following grounds:</p> <p><b><u>Noise and vibration</u></b></p> <ul style="list-style-type: none"> <li>- Requests condition that the <i>“background noise measurement shall be reassessed prior to installation, and at least every 2 years thereafter”</i>, as the background noise measurement for this application was taken in July 2018, more than 2 years ago. Since then the background noise levels have dropped considerably and we hope will continue to do so. This is not a short-term improvement because of Covid-19, but because traffic reduction measures are being implemented across the Seven Dials area.</li> <li>- Requests condition that <i>“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 for the lifetime of the development”</i>.</li> <li>- Suggested condition that <i>“after installation, tests shall be carried out to assess noise and vibration levels, to check that the equipment is working as planned”</i>.  <i>(Officer response: please refer to paragraph 4.1 of the report)</i></li> </ul> <p><b><u>Maintenance</u></b></p> <ul style="list-style-type: none"> <li>- Requests condition that, <i>“prior to use of the development, details shall be submitted to and approved in writing by the Council, of a suitable cleaning schedule and/or maintenance contract for the intake, extract and odour control systems. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained. A maintenance report for the equipment shall be submitted for approval each quarter, and compliance of the same in relation to vibration, odour and noise. Reports shall be made available to the public by the freeholder on request”</i>. The reason for this is that, in our experience, the need to maintain equipment can become a low priority for operators over time. Yet it is always better to prevent problems rather than trying to deal with them for years afterwards. Quarterly checks are the recommended industry standard. Regular cleaning also reduces the risk of fire. Happily, the new access arrangements should make this much easier than before at this site.  <i>(Officer response: please refer to paragraph 4.3 of the report)</i></li> </ul> <p><b><u>Hours of use</u></b></p> <ul style="list-style-type: none"> <li>- Requests condition that <i>“all equipment shall be turned off outside the hours at which the premises are open to the public, but in any case not to operate outside the time window of 9am to 10pm each day. Equipment shall have an automatic, timed switch to achieve this”</i>. The reason for the timer is that there have been problems in the area with staff leaving equipment on all night. At such hours this area is dead quiet, which means that equipment which passes noise tests at other times becomes a nuisance later, when neighbours are trying to sleep.  <i>(Officer response: please refer to paragraphs 4.1 and 4.2 of the report)</i></li> </ul>

### Appearance

- Requests condition that “*planting shall be added around the rooftop enclosure*” to make its appearance more sympathetic to the residential surroundings.  
**(Officer response: please refer to paragraphs 3.1-3.3 of the report)**

### **Site Description**

Seven Dials Court is a 4-storey mixed-use residential and commercial development, dating from circa 1979, and its frontage, 3-11 Shorts Gardens, includes commercial uses at lower levels.

The application site is located in the northern corner of Seven Dials Court, adjacent to No. 3 Neal’s Yard. It comprises a restaurant at basement and ground floor levels having been granted planning permission for a flexible use as either a restaurant/café (previous Class A3) or retail (previous Class A1) (now all within Class E) in application ref. 2014/3399/P (see ‘Relevant History’ section below). It is located beneath a first floor walkway associated with residential premises above.

The building is not listed but is located within the Seven Dials Conservation Area.

### **Relevant History**

#### **Application site**

- **2020/0275/P** - Erection of three storey infill development at No. 3 Shorts Gardens to provide new residential entrance to Seven Dials Court at ground floor and 1x 1-bed self-contained maisonette above (Class C3), to replace existing single storey restaurant entrance and residential access steps; reconfiguration of existing 2 x retail units at 5-11 Shorts Gardens (ground floor) and 1x restaurant (A3) unit at no. 3 to create 3x units (2x retail Class A1 and 1 x restaurant Class A3), including installation of new shopfronts; change of use of first floor level restaurant use (Class A3) within internal courtyard to create 1x 1-bed self-contained flat (Class C3), including external alterations; replacement / alterations to plant and equipment; provision of refuse and cycle storage; landscaping works. **Withdrawn 04/08/2020**
- **2016/6916/P** – Erection of two-storey infill extension at first and second floor level to provide 1 x 1 bed flat (Class C3), new residential entrance to Seven Dials Court and installation of new shopfront at ground floor to existing restaurant (Class A3). **Planning permission granted subject to a S106 legal agreement 04/05/2017**
- **2013/4861/P** – Erection of two-storey infill extension at first and second floor level to provide 1 x 1 bed flat (Class C3), new residential entrance to Seven Dials Court and installation of new shopfront at ground floor to restaurant (Class A3). **Planning permission granted subject to a S106 legal agreement 01/05/2014**
- **PSX0005445** – Infill development including new residential access and 1 x 1 bedroom dwelling (Class C3). **Planning permission granted subject to a S106 legal agreement 09/10/2002**

#### **4-5 Neal’s Yard (same site)**

- **2014/3399/P** – Use as either continued restaurant (Class A3) or retail (Class A1) at basement, ground and first (mezzanine) floors. **Planning permission granted 09/07/2014**
- **2004/2674/P** – Flexible use for either restaurant (use class A3) or retail (use class A1) at basement, ground and first (mezzanine) floors. **Planning permission granted 09/08/2004**

#### **29-39 Monmouth Street, 3-13 Shorts Gardens and 3, 4, 5 Neals Yard**

- **P14/53/B/28694** – Partial rehabilitation and partial redevelopment at 29-39 Monmouth Street, 3-13 Shorts Gardens and 3, 4, 5 Neals Yard, WC2, to provide residential accommodation, shops, restaurant, offices and purposes in accordance with the drawings. **Planning**



permission granted 17/12/1979

*This permission gave consent to form the 'Seven Dials Court' as it now stands.*

## Relevant policies

### National Planning Policy Framework (2019)

### London Plan (2016)

### Intend to publish London Plan (2019)

### Camden Local Plan (2017)

A1 Managing the impact of development

A4 Noise and vibration

D1 Design

D2 Heritage

### Camden Planning Guidance

CPG Amenity (2018)

CPG Design (2019)

### Seven Dials Conservation Area Statement (1998)

## Assessment

### 1. Proposal

1.1 Planning permission is sought for the following:

- Replacement extraction equipment;
- Installation of replacement plant enclosure to roof measuring 1.2m-1.4m high; 3.0m wide and 1.4m deep (existing plant enclosure: 1.0m-1.2m high; 5.2m wide; 1.2m deep);
- Installation of linear external access hatches to north elevation adjacent to No. 3 Neal's Yard.

### 2. Assessment

2.1 The main material planning issues for consideration are:

- Design and heritage
- Neighbour amenity

### 3. Design and heritage

3.1 The proposal includes the replacement of the existing extraction duct and associated plant enclosure at roof level and the installation of linear hatches to the north elevation within the internal courtyard adjacent to No. 3 Neal's Yard, to allow access to the replacement duct which will run internally. The proposed plant enclosure and access hatches would be constructed from powder coated metal and would be similar in appearance to the grey upper floor windows of the building. Whilst the proposed plant enclosure would be 0.2m higher than the existing, this is considered to be acceptable given that its footprint would be smaller than the existing and as it would be of a higher quality appearance and more in keeping with the building than the existing timber structure. The proposals are considered to be appropriate to the building and would preserve the character and appearance of the surrounding

conservation area.

- 3.2 Comments have been received requesting planting to be included at high level surrounding the proposed plant enclosure so that the appearance is more in keeping with the surroundings. The design and appearance of the proposed plant enclosure is considered to be acceptable and it is not considered necessary or appropriate for planters to be introduced at roof level to screen the enclosure.
- 3.3 Special regard has been attached to the desirability of preserving or enhancing the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

#### **4. Neighbour Amenity**

- 4.1 The proposals include the replacement of the existing restaurant extraction equipment terminating above Flat 14 of Seven Dials Court. A replacement plant enclosure would be installed at roof level to enclose the extraction equipment and reduce the noise impacts of the equipment. The applicant has submitted an acoustic assessment which has been reviewed by the Council's Environmental Health Officer. The proposals are considered acceptable in their impact with regards to noise and vibration, subject to compliance with a condition to install anti-vibration measures and a condition for the submission and approval of up-to-date details of the external noise emitted from equipment and mitigation measures as appropriate, given the submitted acoustic assessment was carried out in 2018. The condition would require the external noise level emitted from equipment to be lower than the typical background noise level by at least 10dBA, and by 15dBA where the source is tonal, at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. The condition would also require a post installation noise assessment to be carried out where required to confirm compliance with the noise criteria.
- 4.2 Comments have been received requesting a restriction to hours of use of the replacement extraction equipment to 9am to 10pm/8am to 11pm every day. As the application is for replacement plant only, restrictions on operating hours of the plant and associated café / restaurant are not considered to be reasonable. It is considered that the above-mentioned condition for the submission and approval of an up-to-date acoustic assessment would ensure that the amenity of neighbouring residents is protected as the noise emitted from the proposed replacement plant would need to be lower than the background noise level as measured at night.
- 4.3 Comments have been received requesting a condition to require the submission and approval of a maintenance schedule for the extraction equipment. Such a condition would be difficult to enforce as maintenance plans would be tenant specific given that some restaurants would require more intensive use of the extraction equipment than others. Compliance with Environmental Health regulations in respect of arrangements for ventilation and the extraction of cooking fumes and smells is required, and it is considered that this is sufficient to overcome concerns with the maintenance of the extraction equipment without the addition of a condition. An informative would be added as a reminder of these requirements. Furthermore, the proposed installation of the linear hatches would enable maintenance access and cleaning to the entire ducting rather than just the top and bottom as is currently possible, which should overcome the existing smoke emission and odour issues.

#### **5. Recommendation:** Grant conditional planning permission

#### **DISCLAIMER**

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 4<sup>th</sup> January 2021, 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: 2020/4399/P  
Contact: Charlotte Meynell  
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Date: 21 December 2020

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# DRAFT

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Full Planning Permission Granted

Address:

**3 Shorts Gardens**  
**London**  
**WC2H 9AT**

Proposal: Installation of replacement internal extract duct and associated new external access hatches to north-western side elevation, and replacement plant enclosure on main roof.

Drawing Nos: 25020 SLP-01; 25020 101; 25020 102; 25020 103; 25020 104; 25020 105; 25020 106; 25020 107; 25020 201; 25020 202; 25020 203; 25020 204; 25020 205; 25020 206; 25020 207; Cover Letter (prepared by Rolfe Judd, dated 25/09/2020); Environmental Noise Survey and Plant Noise Assessment Report (prepared by Hann Tucker Associates, dated 23/09/2020).

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 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.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: 25020 SLP-01; 25020 101; 25020 102; 25020 103; 25020 104; 25020 105; 25020 106; 25020 107; 25020 201; 25020 202; 25020 203; 25020 204; 25020 205; 25020 206; 25020 207; Cover Letter (prepared by Rolfe Judd, dated 25/09/2020); Environmental Noise Survey and Plant Noise Assessment Report (prepared by Hann Tucker Associates, dated 23/09/2020).

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

- 4 Prior to use of the extraction equipment, details shall be submitted to and approved in writing by the Council, of the external noise level emitted from equipment and mitigation measures as appropriate. The measures shall ensure that the external noise level emitted from equipment will be lower than the typical background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:1997 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. A post installation noise assessment shall be carried out where required to confirm compliance with the noise criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to first use of the extraction equipment and thereafter be permanently retained.

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

- 5 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. All such measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration in accordance with the requirements of policies A1 and A4 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 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)
- 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 must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.
- 4 Your attention is drawn to the need for compliance with the requirements of the Environmental Health regulations, Compliance and Enforcement team, [Regulatory Services] Camden Town Hall, Argyle Street, WC1H 8EQ, (tel: 020 7974 4444) particularly in respect of arrangements for ventilation and the extraction of cooking fumes and smells.

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 2019.

You can find advice about your rights of appeal at:

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

Yours faithfully

Chief Planning Officer