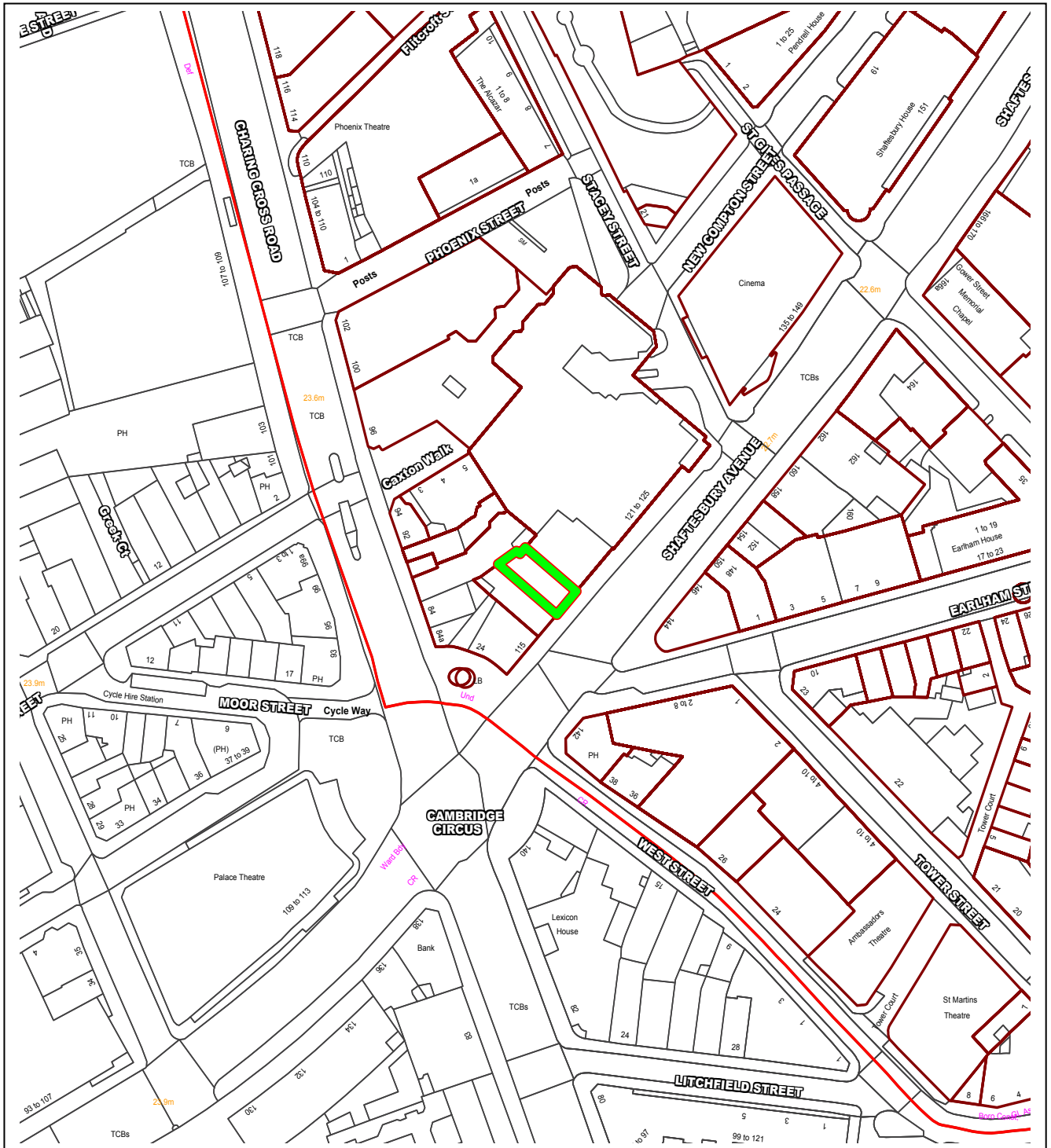


119 Shaftesbury Avenue, London, WC2H 8AE 2020/5329/P

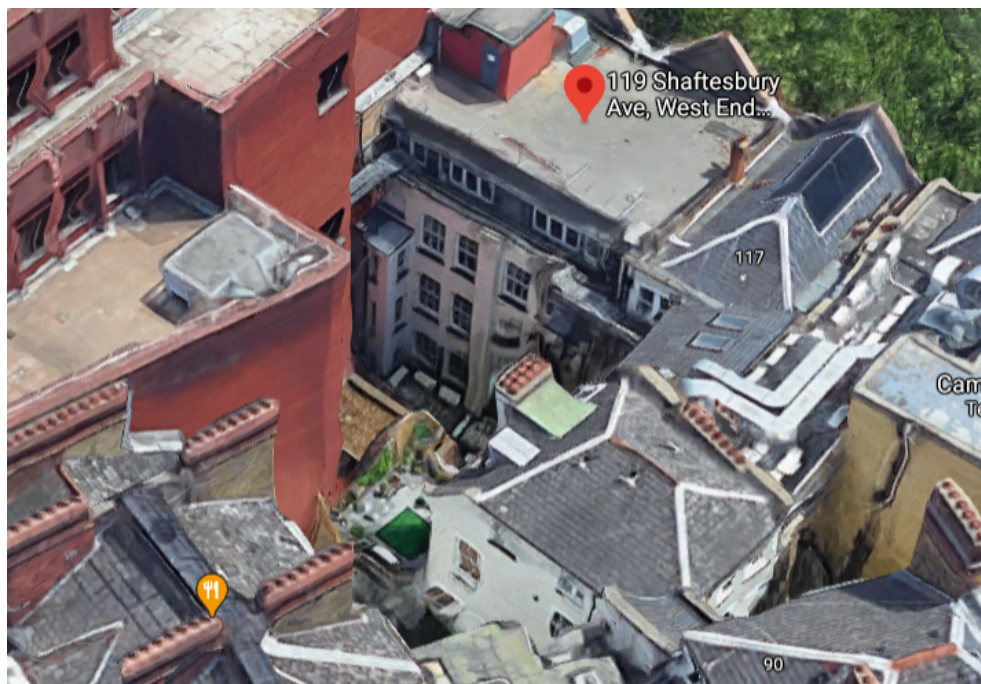


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Photos



1. Aerial image of site and surrounding sites

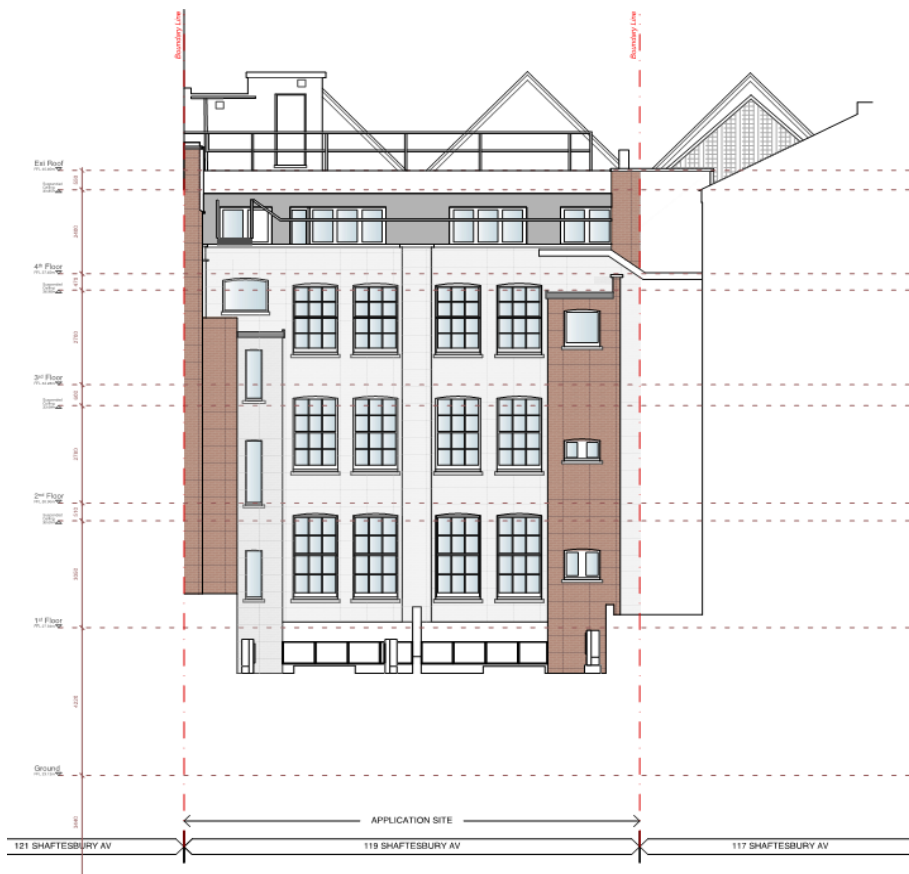


2. Aerial view of rear elevation

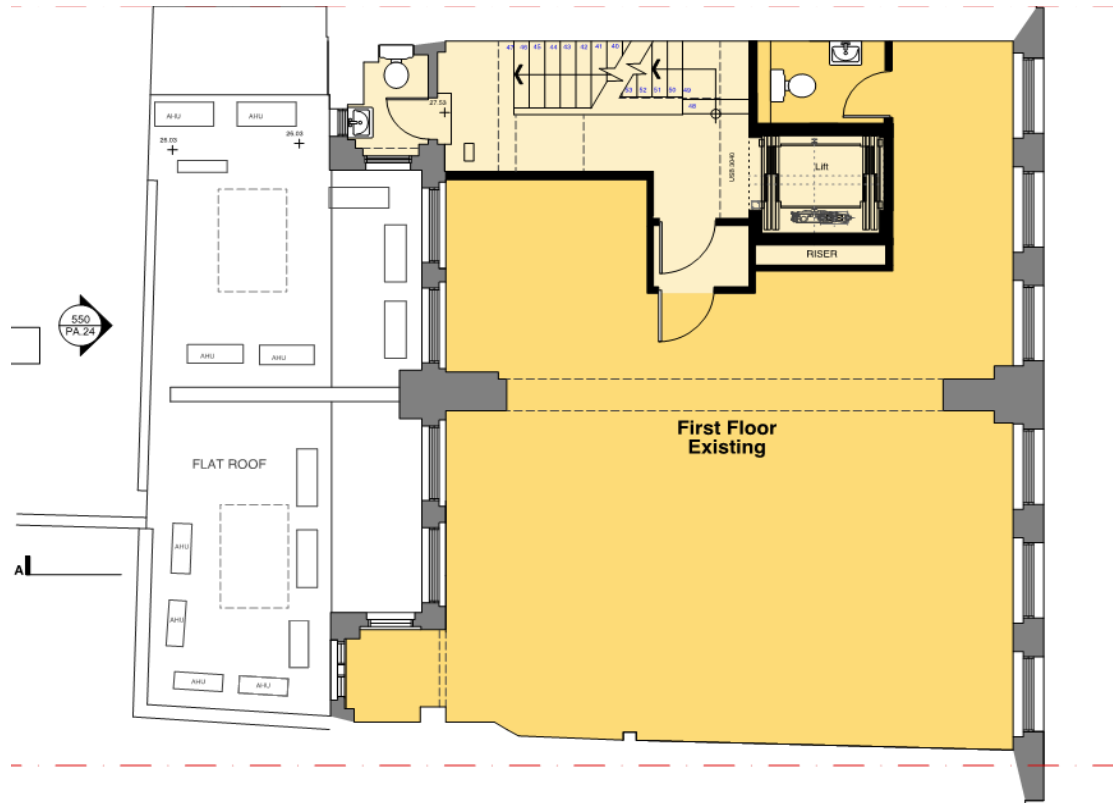


3. Aerial view of built up site context

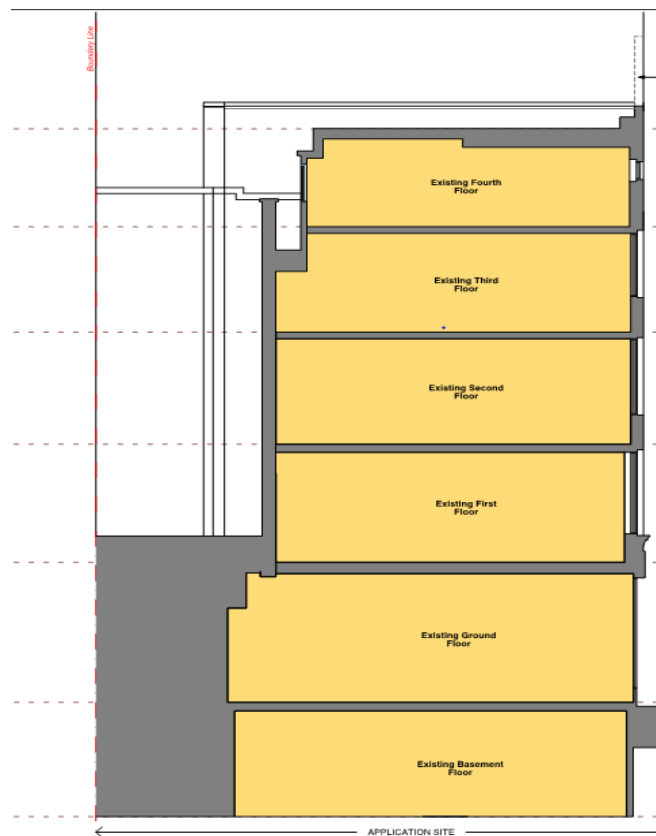
Existing rear elevation



Existing first floor plan



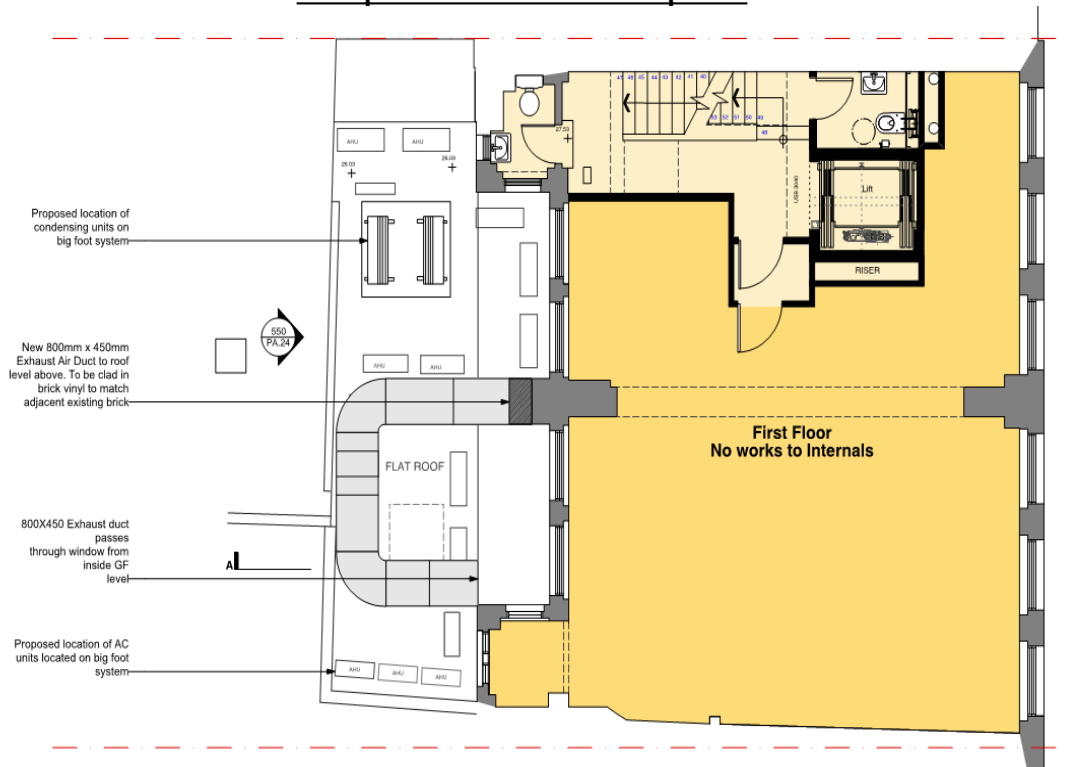
Existing section AA



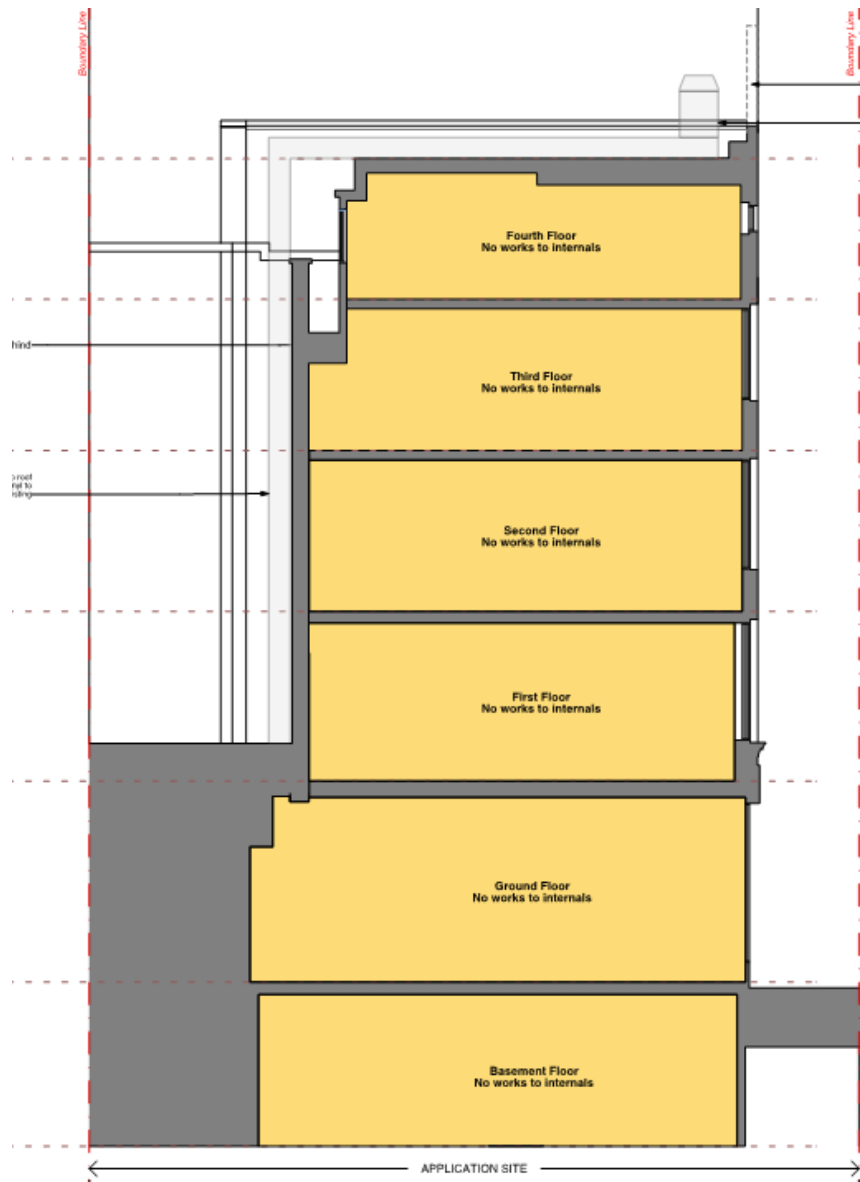
Proposed rear elevation



Proposed first floor plan



Proposed section AA



Delegated Report		Analysis sheet	Expiry Date:	12/01/2021
(Members Briefing)		N/A	Consultation Expiry Date:	24/01/21
Officer			Application Number(s)	
Jaspreet Chana			2020/5329/P	
Application Address			Drawing Numbers	
119 Shaftesbury Avenue London WC2H 8AE			<i>Refer to decision notice</i>	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Installation of a ventilation flue, AC and condensing units to the rear elevation and associated works				
Recommendation:	Grant conditional planning permission			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	<i>Refer to Decision Notice</i>			
Informatives:				
Consultations				
Summary of consultation:	<p>The site notice(s) were displayed one outside No.119 Shaftesbury Avenue and one outside No.3 Caxton Walk on 27/12/20 (consultation end date 20/01/20).</p> <p>The development was also advertised in the local press on the 31/12/20 (consultation end date 24/01/21).</p>			
Adjoining Occupiers:	No. of responses	00	No. of objections	00
Summary of consultation responses:	<i>No objections were received from residents during the course of the application.</i>			
CGCA association:	<p>The Covent Garden Community Association (CGCA) has objected to the proposal on the following grounds:</p> <ul style="list-style-type: none"> • With the advent of Class E we are starting to see, as expected, rapid conversions to restaurant use. If we imagine a scenario where even only half the current A1-use units in Covent Garden become restaurants, then the proliferation of air handling and extraction equipment could be considerable. There is potential impact on each neighbour located very close by. There is also cumulative impact upon the neighbourhood. • In the case of this application, we ask that you refuse it and ask the applicant instead to install equipment that uses an internal recirculating air filtration system, requiring no parts external to the building. Our reasons are outlined below. • The proposed scheme involves a large duct (cross-section 800 x 450mm) running vertically up the 4th floor of the building, which then turns a corner and runs horizontally at that level before turning again and running up the roof to allow fumes to drift into the air. The roof is at 5th floor level, and adjoins a modern building at 125 Shaftesbury Avenue that is terraced from 5th to 10th floor level. • 125 Shaftesbury Avenue has outdoor space on each upper level, including space at 6th and 7th floor level that overlooks the application site. Under proposed Permitted Development rights this office building could be converted to residential use, further increasing its sensitivity as a neighbour. • If extraction equipment is entirely internal, it is the best solution for everyone because it avoids: 1. Unsightly equipment 2. Noise and odour outside that has a detrimental impact on neighbour's 3. Air pollution 4. Difficult access for maintenance, resulting in increased costs and/or likely noise, odour and pollution issues. 			

- There are restaurants in Covent Garden that already use internal systems to filter and recycle air, for example Seven Dials Market in Earlham Street and Le Bab on Mercer Street (in Westminster). Providers include: <https://www.reco-air.com/> and <https://www.premierrestaurantengineering.co.uk/canopyairrecirculationextractor.html> (which is suitable for gas).
- Camden's policy CC1 (Climate change mitigation) requires all development to minimise the effects of climate change and encourages all developments to meet the highest feasible environmental standards. An internal recirculating air filtration system achieves this.
- Camden's Local Plan paragraph 7.34 states that building services equipment, such as ventilation and extraction systems, should be contained within the envelope of a building or be located in a visually inconspicuous position.
- Camden's Local Plan paragraph 8.39 discourages the use of air conditioning and excessive mechanical plant. In a building that is being newly converted from a shop to a restaurant, we believe that any plant that spills outside the building is excessive because it is reasonable to incorporate internal plant as part of the new internal fit-out.
- Should you be minded to grant consent for equipment external to the building despite these arguments, we ask you to apply planning conditions to protect against the problems listed above. In addition to your usual conditions to protect against noise, we ask for conditions that achieve the following:
- Allow use of the equipment only from the start of Licensing Framework Hours until 60 minutes before their end, or less, i.e. 10am-10.30pm Monday to Thursday, 10am-11pm Friday and Saturday, 11am-9.30pm Sunday. The reason for this is that equipment will not be required outside these times, and background noise falls considerably then. We have discovered, in Covid lockdown, just how very much air handling equipment in the area makes an unreasonably loud noise. Use of a timer seems sensible, to be permanently retained and maintained in accordance with the manufacturer's recommendations. This would safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, D1, A1, TC1, TC2, TC4 and A4 of Camden's Local Plan, in particular paragraph 6.99 which states that planning conditions will be imposed to require that plant and equipment which may be a source of noise is kept working efficiently and within the required noise limits and time restrictions.
- Require a cleaning and maintenance contract for the intake and extract systems and odour control system. Approved details should be implemented prior to occupation of the development and thereafter be permanently retained to safeguard the amenities of adjoining premises and the area generally in accordance with the requirements of policy A1 of Camden's Local Plan.

Officer's response:

- *The duct size is generated from the airflow requirements associated with the quantity, specification and size of kitchen equipment under the extract canopy. The airflow calculation follows "BESA" formally HVCA DW172 specification for Kitchen Ventilation systems.*
- *An internal system would not be suitable for the future occupiers as they require a gas supplied kitchen due to the equipment used and heavy electrical loading associated with electric kitchens. Internal recirculation systems cannot be used with Gas kitchens therefore this would not be appropriate at this location.*
- *With regards to external the ventilation specialists have noted that it's a matter of how much mechanical filtration and treatment will be applied to the system, and the location of the final exhaust. It is not possible to add additional carbon filters on the flat roof at first floor or within the building. The proposed system includes three levels of filtration within the proposed system and therefore a high level discharge provides the most suitable exhaust solution.*
- *Please see sections 4 and 5 below.*

Site Description

The application site is a 5 storey terrace building with retail units on the ground floor and office space on the upper floors. The surrounding area is a mixture of commercial and residential, consisting of similar sized buildings and uses. The site is a positive contributor and is located within Seven Dials Conservation Area.

Relevant History

119 Shaftesbury Avenue

2019/1060/P - Change of use of floors 1 - 4 of the property from A1 (Retail) to B1 (Office), internal refurbishment and alterations to ground floor shopfront – Granted subject to S106 on 04/06/2020.

Relevant policies

National Planning Policy Framework (2019)

The London Plan Publication (2020)

Camden Local Plan (2017)

- A1 Managing the impact of development
- A4 Noise and vibration
- D1 Design
- D2 Heritage

Camden Planning Guidance:

- CPG – Design (2021)
- CPG – Amenity (2021)

Seven Dials Estate Conservation Area Statement (1998)

Assessment

1. The proposal

1.1. Planning permission is sought for:

- Installation of a ventilation flue to the rear elevation
- Insertion of AC units to rear elevation (on top of ground floor extension)
- Insertion of Condensing units to rear elevation (on top of ground floor extension)
- Insertion of louvres to two ground floor rear windows (left side)

2. Revisions

2.1. It should be noted that during the course of the assessment revisions to the proposed scheme were made by the applicant to improve the scheme these were:

- The route of the air flue has been amended at roof level in order to ensure the extract is located away from any rear windows whilst also situated to the rear of the front parapet to avoid visibility from street level.
- Details have been provided on the material to use to cover the duct.
- Addition of plant equipment including AC units and condensing unit and louvres to ground floor windows.

2.2. The revisions made to the scheme did not materially affect the scheme and as such were accepted as amendments under the ongoing application.

3. Assessment

3.1. The principal considerations material to the determination of this application are as follows:

- The visual impact upon the character and appearance of the host property, streetscene, local area and the seven dials Conservation Area
- The impact on neighbouring amenity

4. Design and Conservation

4.1. The subject sites ground floor would be changing from retail to restaurant which is allowed without express planning consent under changes to the Use Class Order which came into effect on September 2020. The restaurant would require the installation of a kitchen extract and plant equipment to be able to cook on site.

4.2. The proposal new kitchen extract would involve the installation of new flue to the rear of the existing building. The proposed exhaust duct would pass through the window from inside the ground floor level into the rear proposed flue and extend up the centre of the rear façade from the first floor level, up to the roof and fold over onto the roof. The proposed flue would not be visible in the public realm and whilst it may be visible from private views, it would be viewed in the context of other plant and paraphernalia relating to other buildings in the block. Furthermore the flue would be finished in brick vinyl (Arlon DPF 8000) which is a digital printing thin film for low energy surfaces and would match the existing brick to the rear elevation of the property. These works are considered acceptable.

4.3. The new AC units proposed (x3) on a foot system are to replace the existing two AC units on the roof of the ground floor and two new condensing units also proposed on a foot system on the ground floor roof. Louvres would also be installed onto the ground floor lightwell windows. Due to the modest nature of the equipment, its location on the ground floor roof and its lack of visibility from the public realm it is not considered that the proposed plant equipment would have a detrimental impact on the character and appearance of the host building or surrounding conservation area.

4.4. 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 Planning (Listed Buildings and Conservation Areas Act 1990) as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

5. The impact on neighbouring amenity

5.1. The rear elevation of No.119 is blocked in by other neighbouring properties and the site context is built up to 5 storeys and higher. There is a lightwell to the rear on the ground floor of No.119 which is overlooked by several residential windows. The closest residential elevation is understood to be part of 90 Charing Cross Road and 125 Shaftesbury Avenue. The other windows in the vicinity are offices which are considered less acoustically sensitive.

5.2. The kitchen extract fan has not been specified in the submitted noise report, but the Council's Environmental Health Officer states that based on the noise output of a typical commercial extraction system it is expected that the proposed noise emission limit can be met by fitting a suitably specified attenuator to the exhaust duct. A pre-commencement condition is attached to require details to be submitted and approved of the existing and proposed noise levels in order to demonstrate compliance with the Council's noise criteria (condition 4).

5.3. Additional conditions are attached for time clocks (condition 6), maintenance schedule (condition 8), anti-vibration isolators (condition 5) and installation, operation and maintenance of the odour abatement equipment (condition 7).

5.4. The new AC units proposed (x3) on a foot system are to replace the existing two AC units on the roof of the ground floor and two new condensing units are also proposed on a foot system on the ground floor roof. The AC units and condensing units will need to be assessed in the noise report which would be requested by noise condition prior to the use of the building. The report will measure the external noise level emitted from the units and would suggest mitigation measures as appropriate. The measures shall ensure that the external noise level emitted from units will be lower than the lowest existing background noise level by at least 10dBA.

5.5. The kitchen extract fan has not yet been specified, but based on the noise output of a typical commercial extraction system it is expected that the proposed noise emission limit can be met by fitting a suitably specified attenuator to the exhaust duct but further assessment will need to be carried out to ensure the installation meets the desired requirements. The acoustic submission is considered to be satisfactory in environmental terms and suitable conditions are attached

5.6. The development is therefore considered to be in accordance with planning policies A1.

6. Conclusion

6.1. Overall, the scale, design and use of materials of the proposals would be relative to that of the host building and the surrounding area and would not be harmful to the character appearance of the street scene or the Seven Dials Conservation Area. The proposal would not have an adverse impact on residential amenity, subject to condition. The proposal would therefore be in accordance with policies A1, A4, D1 and D2 of the London Borough of Camden Local Plan 2017, as well as the London Plan Publication 2020 and NPPF 2019.

7. Recommendation

7.1. 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 22th February 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 and search for 'Members Briefing'.

Application ref: 2020/5329/P
Contact: Jaspreet Chana
Tel: 020 7974 1544
Email: Jaspreet.Chana@camden.gov.uk
Date: 17 February 2021

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

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk

Maddox and Associates Ltd
68 Hanbury Street
London
E1 5JL
United Kingdom

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

119 Shaftesbury Avenue
London
WC2H 8AE

Proposal:

Installation of a ventilation flue, AC and condensing units to the rear elevation and associated works

Drawing Nos: 702-PA.01 Rev P1, 702-EX.16 Rev P2, 702-EX.17 Rev P2, 702-EX.18 Rev P2, 702-EX.19 Rev P2, 702-EX.21 Rev P2, 702-EX.11 Rev P1, 702-EX.24 Rev P2, 702-PA.16 Rev P2, 702-PA.17 Rev P2, 702-PA.18 Rev P2, 702-PA.19 Rev P2, 702-PA.21 Rev P2, 702-PA.22 Rev P2, 702-PA.24 Rev P2, J0484_R01 Plant Noise Assessment.

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 policy D1 [and D2 if in CA] 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: 702-PA.01 Rev P1, 702-EX.16 Rev P2, 702-EX.17 Rev P2, 702-EX.18 Rev P2, 702-EX.19 Rev P2, 702-EX.21 Rev P2, 702-EX.11 Rev P1, 702-EX.24 Rev P2, 702-PA.16 Rev P2, 702-PA.17 Rev P2, 702-PA.18 Rev P2, 702-PA.19 Rev P2, 702-PA.21 Rev P2, 702-PA.22 Rev P2, 702-PA.24 Rev P2, J0484_R01 Plant Noise Assessment.

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

- 4 Prior to use of the development, details shall be submitted to and approved in writing by the Council, of the external noise level emitted from plant/ machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the lowest existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with machinery operating at maximum capacity. Approved details shall be implemented prior to occupation of the development 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 Prior to use, extract/ventilation system 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.

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.

- 6 Prior to the commencement of the use of the plant equipment, automatic time clocks shall be fitted to the equipment/machinery hereby approved, to ensure that the plant/equipment does not operate outside 10am - 10:30pm Monday to Thursday, 10am - 11pm Friday and Saturday and 11am - 9:30pm on Sunday. The timer equipment shall thereafter be permanently retained and maintained and retained in accordance with the manufacturer's recommendations.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, D1, A1, TC1, TC2, TC4 and A4 of the London Borough of Camden Local Plan 2017.

- 7 Prior to commencement of the use, details shall be submitted to and approved in writing by the Council, of the installation, operation, and maintenance of the odour

abatement equipment and extract system in accordance with the 'Guidance on the assessment of odour for planning 2018 by the Institute of Air Quality Management . Approved details shall be implemented prior to the commencement of the use 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 of the London Borough of Camden Local Plan 2017.

- 8 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 and extract systems and odour control system. Approved details shall be implemented prior to occupation of the development 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 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 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.
- 2 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.

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

DRAFT

DECISION