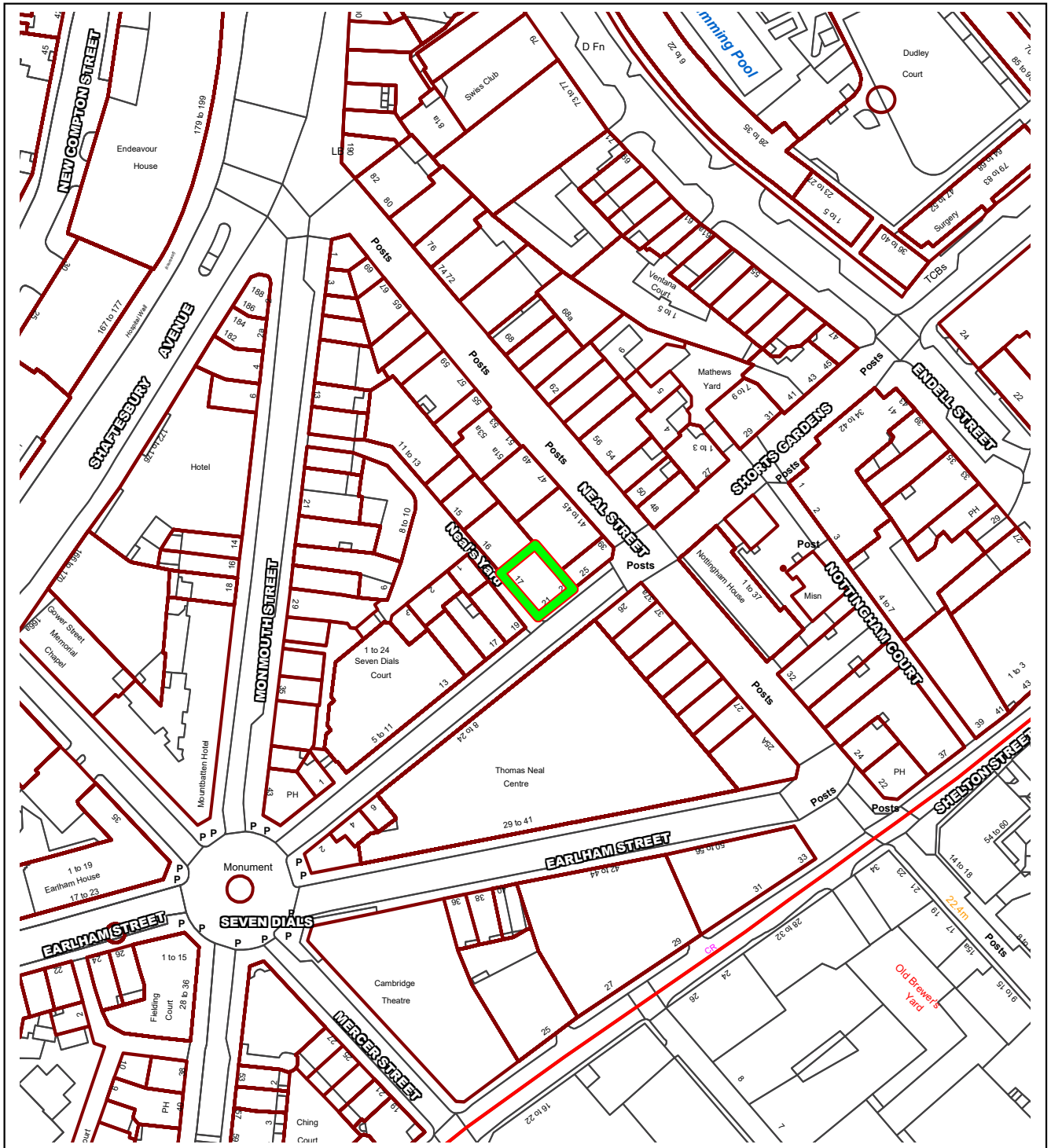


# 2021/3736/P – 21-23 Short's Gardens Map



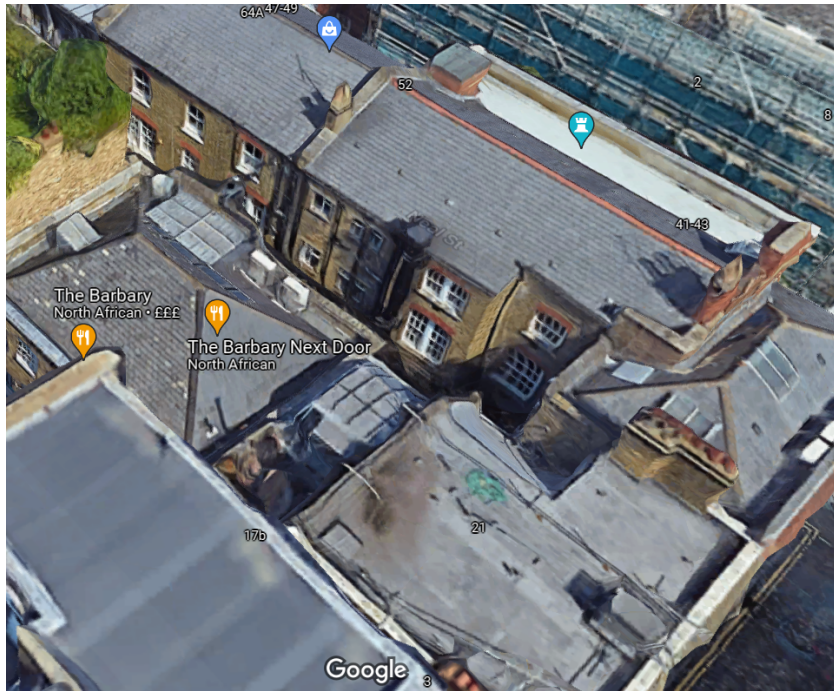
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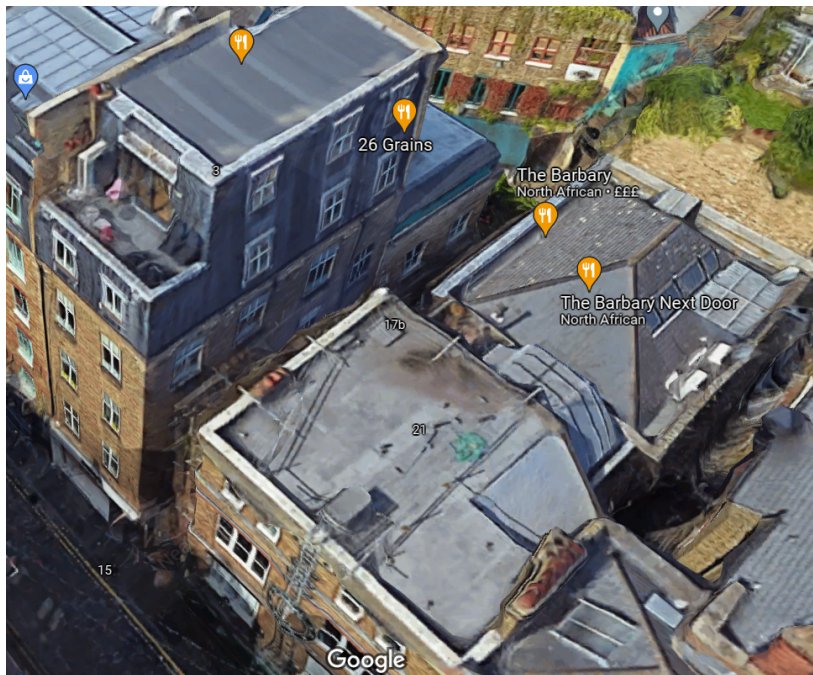
21 – 23 Short’s Gardens – 2021/3736/P – Front (Short’s Gardens) Elevation



21 – Site of proposed roof top plant, raised parapet wall and rear kitchen extract duct



Facing windows in 41 – 43 Neal Street are in commercial use



Outlook/light of facing windows on upper storeys of 19 Short's Gardens would not be unduly compromised



No residential properties to the rear would be affected by the roof top plant, raised parapet wall or rear kitchen extract duct



Proposals would not be visible from Neal Street

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		30/09/2021	
		N/A		<b>Consultation Expiry Date:</b>		30/11/2021	
<b>Officer</b>				<b>Application Number(s)</b>			
Adam Greenhalgh				2021/3736/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
21-23 Shorts Gardens London WC2H 9AS				Please 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>Proposal(s)</b>							
Installation of kitchen extract duct on rear elevation (within rear lightwell) from ground floor to roof, with raised parapet wall. Installation of roof top plant:- kitchen extract exhaust/fan and air conditioning units within louvred enclosure and 3 x air source heat pumps and 1 fridge condensing unit (unenclosed).							
<b>Recommendation(s):</b>		<b>Grant Conditional Planning Permission</b>					
<b>Application Type:</b>		<b>Full Planning Permission</b>					
<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. of responses		<b>03</b>		No. of objections	
						<b>03</b>	
<b>Summary of consultation responses:</b>		<p>Press notice: published on 12/08/2021 Site notice: displayed from 11/08/2021</p> <p>Letter of objection received from an occupier at 17 Neal's Yard. Letter raises objections on grounds of:</p> <ul style="list-style-type: none"> <li>- Noise and vibration from rooftop plant</li> <li>- Harm to visual amenity for neighbouring residential occupiers</li> <li>- Scope for alternative, more discreet cooling/heating equipment</li> </ul> <p>Two other letters from Neal's Yard residents (unaddressed). Letter raises objections on grounds of :</p> <ul style="list-style-type: none"> <li>- Odour emissions – lack of information regarding emissions and maintenance of extract system</li> <li>- Lack of specifications of plant</li> </ul>					

- Concern that the plant will not be installed (correctly)

Officer comments:

Noise and vibration from rooftop plant: A Noise Assessment has been submitted. The Assessment confirms that the noise levels generated by the proposed roof top plant would be 10 dBA below ambient noise levels. Therefore, there would be no undue disturbance at the nearest noise sensitive premises. The Noise Assessment notes that the building fabric at the site would prevent disturbance for occupiers within the building and it also should be noted that the proposed would be sited on anti-vibration pads. A Maintenance Plan for the extract duct system would also be secured under a planning condition.

Harm to visual amenity for neighbouring residential occupiers:

See 'Amenity of neighbouring occupiers' below

Scope for alternative, more discreet cooling/heating equipment:

See 'Energy Efficiency/Sustainability' below

Odour emissions – lack of information regarding emissions and specifications, installation and maintenance of extract system

The application is for the ductwork/plant. The nature of the ground floor unit which would be served by the proposals is not yet known. However the Council's Environmental Health (Pollution Control) Team has scrutinised the details of the kitchen extract fan to discharge emissions and considers that, subject to conditions, the duct/plant would safeguard the living conditions for neighbouring residents in terms of fumes, noise and smells. A planning condition to secure a Maintenance Plan for the extract duct system is attached to ensure that it operates efficiently. Planning enforcement action/environmental health legislation could also be used in the event of nuisance as a result of the plant not being installed, operated or maintained correctly.

Bloomsbury Conservation Area Advisory Committee

The Bloomsbury CAAC object to the proposal on the following grounds:

- 'Fake' mansard roof inappropriate to Conservation Area and surrounding Listed buildings
- Raising of parapet wall also inappropriate to Conservation Area and surrounding Listed buildings
- Inappropriate screening
- Inappropriate screening; scope for alternative, more appropriate cooling mechanisms

Officer Comment:

See 'Proposal; Revisions', 'Conservation & Design' and 'Sustainability' below. The proposal has been amended by way of the omission of an originally proposed 'fake' mansard roof to house the plant. Louvred screens set back from the sides of the building are now proposed (the CAAC was notified of the revision but has not responded). These are not considered to

*harm the character or appearance of the Conservation Area or the setting of any neighbouring Listed buildings. The new plant is needed to serve a kitchen within the Class E unit on the ground floor. It includes 3 Air Source Heat Pumps which are a sustainable technology and the kitchen extract duct is needed to serve the new kitchen for the Class E unit.*

Covent Garden Community Association:

The CGCA objected to the proposals on the following grounds:

- Harm to appearance from kitchen duct and ‘fake’ mansard roof
- Noise/odour omissions and air pollution
- Maintenance issues (and subsequent noise/odour/air pollution issues)
- Internal plant/ductwork should be installed
- Unsustainable form of development – contrary to climate change agenda
- Site cannot ‘sustain’ proposed plant/ductwork with associated emissions
- If an external system is to be granted then conditions regarding hours of use and cleaning/maintenance to prevent noise/odour emissions should be attached

Officer Comment:

*See ‘Design & Conservation’ and ‘Amenity of neighbouring occupiers’ below. The siting of the proposed development has been designed such that the proposals would not harm the character or appearance of the Conservation Area or the visual amenity of any neighbouring occupiers.*

*The kitchen extract ductwork would serve to discharge emissions above roof level and the Council’s Environmental Health (Pollution Control Team) consider that the proposals would operate below ambient noise levels.*

*The Environmental Health Officer has considered the proposal and advised that, subject to conditions regarding noise levels and the submission and approval of anti-vibration measures, the plant would not impact adversely upon the amenity of any neighbouring occupiers.*

*Furthermore, to ensure that the operation of the extract duct system does not emit undesirable noise or odours, a planning condition to secure a Maintenance Plan for the system has been attached – in accordance with the CGCA’s request.*

*Sustainability/climate change issues are considered in Energy Efficiency/Sustainability below.*

## Site Description

The application site (21-23 Shorts Gardens) comprises a four-storey terraced building (plus basement) on the northern side of Shorts Gardens, close to the junction of Neal Street and Shorts Gardens. The property comprises commercial (Class E) use on all floors, with the exception of the third (top) floor which consists of a residential flat (Class C3). Access to the upper floors is via a pedestrian passageway leading into Neal’s Yard from Shorts Gardens. For clarity, the upper floors of the property are also referred to as 17 Neal’s Yard.

The property is situated within the heart of the Seven Dials (Covent Garden) Conservation Area, the Central Activities Zone (CAZ) and the Central London Area (CLA). The property is not statutorily listed, however the building is recognised within the Conservation Area Appraisal as being a 'building which makes a positive contribution'. The surrounding area comprises a mixture of commercial and residential premises, with the popular wholefoods and dining destination of Neal's Yard located within close proximity and opposite the recent success of Seven Dials Market (formerly Thomas Neal's Centre).

The nearest Listed buildings are the Seven Dials Market (opposite the site) and 55 Neal Street, 25m to the north.

## **Relevant History**

2009/2711/P – Change of use and works of conversion of third floor from office (Class B1) to flexible uses, either as a self-contained residential unit (Class C3), therapy (Class D1) or office uses (Class B1), and associated alterations including creation of a roof terrace at third floor level for residential unit only – Granted 1st October 2009

PS9905208 – The erection of an extension at first and second floors and to the roof, to provide additional B1 (office) floor space, together with the installation of a new entrance door at ground floor level – Granted 15th May 2000

PS9904752 – Continued use of the 1st, 2nd and 3rd floor for offices (Class B1) purposes – Granted 5th October 1999

## **Relevant policies**

### **National Planning Policy Framework 2021**

### **The London Plan March 2021**

### **Camden Local Plan 2017**

A1 Managing the impact of development

A4 Noise and vibration

D1 Design

D2 Heritage

CC1 Climate change mitigation

CC2 Adapting to climate change

### **Camden Planning Guidance 2021**

CPG Design

CPG Amenity

CPG Energy efficiency and adaptation

### **Bloomsbury Conservation Area Appraisal and Management Strategy 2011**



## Assessment

### 1.0 Proposal

1.1 Planning permission is sought for the erection of a kitchen extract duct on the rear of the main (Shorts Gardens) building from the ground floor to the roof. The existing sloped part of the parapet wall would be raised to the same height as the existing parapet wall, the duct would enter the raised parapet wall and terminate in a 3m high louvred enclosure on the roof. Also proposed is the siting of 3x air source heat pumps and a refrigerator condensing unit in the centre of the roof. These would be unenclosed. The screened enclosure would be 5m from the front of the building and the unenclosed air source heat pumps would be 2.5m from the front of the building.

#### Revisions during the course of the application:

1.2 Initially, when the application was originally submitted a 'fake' mock mansard roof to enclose the new plant was proposed. This would have been set close the sides of the roof (1.5m from the front and 750mm from the sides/rear) and it would have been of natural slate tiles and 1.4m above the parapet wall at the top of the building. The proposed 'fake' mansard roof met with concerns in terms of its impact on the historic character of the building and the Conservation Area. The mansard proposal was consequently amended to the reduced roof-top enclosure described above.

### 2.0 Assessment

2.1 The material considerations for this application are as follows:

- Design and conservation;
- Amenity of neighbouring occupiers
- Energy efficiency/sustainability

#### 2.2 Design and conservation

2.2.1 Local Plan policies D1 and D2 are aimed at achieving the highest standard of design in all developments. Local Plan policy D1 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.

2.2.2 The additions to the building, due to their siting and appearance, would not result in a significant loss of visual amenity or any harm to the character and/or appearance of the Conservation Area. Set back over 2.5m from the sides of the building, the roof-top plant would not be visible in the public domain. The kitchen extract duct and raised parapet wall on the rear elevation would similarly not be visible in the public domain or harmful to the public appearance of the Conservation Area. There would be no impact on the appearance of the streetscene or the visual amenity of the area.

2.2.3 The surface of the roof and rear elevation are partly visible from the windows of neighbouring buildings on all sides but they are not significant in the context of the character of the Conservation Area. The roof-top plant, rear kitchen extract duct and raised parapet wall would not harm any significant parts of the building within the Conservation Area or the vista for any neighbouring occupiers.

2.2.4 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013. The size, scale, design and location of the proposed installations would ensure no harm is caused to the character of the host building and surrounding conservation area, in accordance with policies D1 and D2 of the Camden Local Plan.

## **2.3 Amenity of neighbouring occupiers**

2.3.1 Local plan policy A1 seeks to protect the amenity of residents by ensuring the impact of development is fully considered. The quality of life of occupiers and neighbours are protected by only granting permission for development that would not harm the amenity of neighbouring residents. This includes factors such as light, outlook, privacy, noise and disturbance.

2.3.2 The nearest windows at a neighbouring site are in the rear elevation of rear of 41 – 45 Neal Street. The proposed kitchen extract duct and raised parapet wall would be visible from these windows. The parapet wall would be raised by 2.5m in height (max). However, they would be 3m from the windows. Given that the building is in commercial use (retail with offices above) and given the distance to the proposals, it is not considered that there would be any significant impact upon the amenity or use at this site. There are no windows to any residential properties which would be overshadowed, obscured or over-enclosed by the proposed kitchen extract duct, raised parapet wall or roof top plant. There are windows in the side (facing) elevation of the building on the other side of Neal's Yard (19 Neal's Yard). But situated the other side of the passageway the outlook, light and privacy received through these windows would not be unduly compromised.

2.3.3 A Noise Assessment has been undertaken and submitted in respect of the proposed plant (kitchen extract duct exhaust/fan, air source heat pumps and refrigerating condensing unit). The Assessment confirms that the noise levels generated by the proposed roof top plant would be 10 dBA below ambient noise levels. Therefore, there would be no undue disturbance at the nearest noise sensitive premises. The Noise Assessment notes that the building fabric at the site would prevent disturbance for occupiers within the building and it also should be noted that the proposed would be sited on anti-vibration pads. The Council's Environmental Health (Pollution Control) has considered the Noise Assessment and found it to be acceptable. To mitigate against any future disturbance conditions have been recommended in respect of future noise levels and the provision of anti-vibration measures. A condition has also been added to secure a Maintenance Plan for the kitchen extract system. This would ensure that the system operates without nuisance or disturbance to neighbouring occupiers by way of odours or noise. The conditions are attached accordingly.

## **2.4 Energy efficiency/sustainability**

2.4.1 The neighbour consultation response and letters from the Bloomsbury CAAC and Covent Garden Community Association question the need for the ductwork/plant and its energy efficiency, climate change and amenity implications. The applicant has advised that the proposal is for a commercial kitchen.

2.4.2 The applicant has demonstrated that due to the layout and configuration of the existing building, natural ventilation for cooling is insufficient. Due to the depth of the space and only single sided natural ventilation being available, natural ventilation is not sufficient to meet either the total fresh air requirements of the space or the peak cooling load and must therefore be supplemented. External ductwork is therefore necessary for a commercial unit of the size in question, to discharge the emissions at roof level.

2.4.3 The air source heat pump would therefore be used mechanically for cooling. The Cooling Hierarchy Letter notes that when it is used for heating it would not result in any carbon emissions.

2.4.4 The unit proposed is of the current generation with the latest energy efficient technology and features a refrigerant with zero ozone depletion potential (ODP) and low global warming potential (GWP).

2.4.5 On balance, and taking into consideration the constraints of the building, the proposal, which would include an Air Source Heat Pump for heating and cooling is not considered to represent an unsustainable form of development which would be contrary to the Council's policies for energy efficiency and climate change.

**3.0 Recommendation:**

3.1 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 20<sup>th</sup> December 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: 2021/3736/P  
Contact: Adam Greenhalgh  
Tel: 020 7974 6341  
Email: [Adam.Greenhalgh@camden.gov.uk](mailto:Adam.Greenhalgh@camden.gov.uk)  
Date: 16 December 2021

**Development Management**  
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London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

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Rolfe Judd Planning  
Old Church Court  
Claylands Road  
Oval  
London  
SW8 1NZ

# DRAFT

Dear Sir/Madam

**DECISION**

Town and Country Planning Act 1990 (as amended)

## **Full Planning Permission Granted**

Address:

**21-23**

**Shorts Gardens**

**London**

**WC2H 9AS**

# DECISION

Proposal:

Installation of kitchen extract duct on rear elevation (within rear lightwell) from ground floor to roof, with raised parapet wall. Installation of roof top plant:- kitchen extract exhaust/fan and air conditioning units within louvred enclosure and 3 x air source heat pumps and 1 fridge condensing unit (unenclosed).

Drawing Nos: A-001-P1, A-100-P1, A-101-P1, A-102-P1, A-300-P1, A301-P1, A-450-P2, A-200-P1, A-201-P1, A-202-P2, A-400-P2, A-401-P2, Cooling Hierarchy Letter (Quinn Ross), 24 Hour Environmental Noise Assessment (Rev 04 - 09/11/2021) (Quinn Ross)

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 of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved drawings/documents:

A-001-P1, A-100-P1, A-101-P1, A-102-P1, A-300-P1, A301-P1, A-450-P2, A-200-P1, A-201-P1, A-202-P2, A-400-P2, A-401-P2, Cooling Hierarchy Letter (Quinn Ross), 24 Hour Environmental Noise Assessment (Rev 04 - 09/11/2021) (Quinn Ross)

Reason:

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

- 4 The external noise level emitted from plant, machinery or equipment at the development hereby approved shall 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 the machinery operating at maximum capacity.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from mechanical installations/ equipment in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017

- 5 Prior to use, machinery, plant or equipment 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 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

- 6 Prior to the first use of the hereby approved duct, a maintenance plan shall be submitted to and approved by the Council. The duct shall thereafter always be operated in accordance with the plan approved.

Reason: In the interests of the amenity of occupiers of neighbouring properties in accordance with policy A1 (Managing the impacts of development) of the 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, 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 (search for 'Camden Minimum Requirements' at [www.camden.gov.uk](http://www.camden.gov.uk)) 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 2021.

You can find advice about your rights of appeal at:

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

Yours faithfully

Chief Planning Officer