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26/12/2022

Dear Elaine Quigley,

Re. Planning application 2022/3904/P 67 Charlotte Street London W1T 4PH

We wish to object to the application on the grounds that it will cause a severe negative amenity impact on our property because of odour and noise through:

- Extract venting too low (not 1m above roof ridge as required in DEFRA guidance)
- Lack of odour and noise mitigation (as required in DEFRA guidance)
- Methodology for noise levels not consistent with potential usage hours

We live at 31a Tottenham Street W1T4RR; our property backs directly onto the flat roof area where the proposed new extract and aircon units will be placed. The existing riser duct is just below the height of our bedroom window and we have another floor/living area and terrace above it. The extract units are directly below rooms in our property which house a bedroom and living areas.

Extract:

The application is for installation of new kitchen extract duct at low level to be connected to existing riser duct in association with commercial unit on the ground floor.

However, in reality what is being proposed is a new system, albeit they intend to utilise a decades-old antiquated riser duct, which they appear to have left despite having dismantled entirely the old system and plant.

The kitchen in the commercial unit will be completely new, relocated in a new location in the premises as per their licence amended 16/05/22:

PREM-LIC\1892

Date Licence Amended: 16/05/2022-APP\PREMISES-MVARY\109836 (Attached).

All the plant will be new, the connecting ducting will be new, and the rising duct should also be replaced with new as it is not fit for purpose at present. It is quite clear that the system and plant are primarily new, not being re-used.

We have previously been advised by the council that the installation of a new system requires planning application, through which process the design standard set out in the DEFRA guidance would be imposed, that is: discharging at a high level with sophisticated filtration and noise mitigation measures to 'design out' nuisance from odour and noise.

On inspection of the DEFRA guidance it states, with regard to the existing riser duct they wish to utilise:

1. Discharge stack

The discharge stack shall:

- 1. Discharge the extracted air not less than 1m above the roof ridge of any building within 20m of the building housing the commercial kitchen.*
- 2. If 1 cannot be complied with for planning reasons, then the extracted air shall be discharged not less than 1m above the roof eaves or dormer window of the building.*
- 3. If 1 or 2 cannot be complied with for planning reasons, then an exceptionally high level of odour control will be required.*

(Points 1 & 2 above)

We note that the site is within 20m (in most cases directly adjacent to or less than 10m) of more than 7 separate buildings, housing more than 20 independent residential units (at a conservative estimate). The extract air discharges about two floors below the roof ridges of our property and surrounding buildings – so well outside meeting the DEFRA requirements, hence not fit for purpose. To use the existing riser duct as they propose, they would be required to extend it several metres – we would not think it practical to add onto one old piece of ducting.

(Point 3 above)

The guidance goes on to allow for eventualities and mentions an exceptionally high level of odour control will be required. However, there isn't a single reference to odour control or items intended to mitigate odour in the application, and only a minimal reference to noise. As a new system, we would expect all details, including odour and noise mitigation measures, to be included.

In the noise impact assessment, the sound is modelled as emanating from the top of the existing exhaust riser as a point source. However, the top of the exhaust riser is well below the minimum DEFRA guidance, so will inherently be problematic and does not meet the requirements – the point of source is below our windows.

Also, we have already had issues with odour and noise from the duct they intend to use while the previous restaurant was in operation; its position was already problematic. Because of the low-level discharge, even a slight breeze drives odours and noise directly towards our property's windows adjacent and above where the duct vents. Likewise, any change in breeze would shift the noise and odour towards other properties.

This situation is not without precedent in the area: quite recently, a neighbouring property did something similar to what is proposed in this scheme and connected a new kitchen and plant and ducting to an equally antiquated decades-old riser duct. This proved so problematic with both noise and odour, following action from the council, it was subsequently replaced with an approved scheme that also included a completely new and compliant riser duct. (For reference, the Planning Officer was John Sheehy and the Environmental Health Officer was Georgina Seraphim.)

This scheme/planning application does not meet DEFRA guidelines: it vents too low and has not submitted sufficient noise and odour mitigation measures. This would result in severe noise and odour problems for us and the surrounding residential properties.

This application should not be approved as it is so far outside the basic DEFRA guidelines it would inevitably lead to odour and noise issues and subsequent complaints to Environmental Health.

Air Conditioning Units:

The application is for installation of 4 air conditioning units on the roof.

We note in the Noise Impact Statement they state:

“The period in which the restaurant is expected to primarily operate falls within the period designated as day / evening (07:00-23:00)”

The daytime, evening and night periods are conventionally taken to be as follows:

- *Daytime: 07:00 – 19:00*
- *Evening: 19:00 – 23:00*
- *Night: 23:00 – 07:00*

The representative background noise levels from these periods (40th percentile) are:

- *Daytime: 56dB LA90*
- *Evening: 50dB LA90*
- *Night: 40dB LA90*

It is understood that new plant equipment would not operate during the night-time period. As a conservative approach, the assessment of noise from new plant has been made relative to the existing background noise level during the evening period.

However, the premises are licensed for late night as follows:

PREM-LIC\1892 (Attached with Plans)

Date Licence Amended: 16/05/2022-APP\PREMISES-MVARY\109836

Day

Monday Tuesday Wednesday Thursday Friday Saturday Sunday

Start time

10:00 10:00 10:00 10:00 10:00 10:00 10:00

End time

00:30 00:30 00:30 00:30 00:30 00:30 23:59

They are licensed to operate beyond the 'evening period' and well into the 'night period' every single day.

The night background noise levels should be used for the assessment – also given that this plant will likely be left on after serving times for clearing up of the premises.

By using the night background levels (40db rather than 50db), by their own assessment the units are 10dba too loud. I understand that the units should be 10db below ambient, therefore should not be louder than 30db.

British Standard 4142:2014, which is referenced in their noise impact statement says: that if the difference is 10db or more, then this is stated as a likely indication of a significant adverse impact.

These noise levels could possibly be mitigated by enclosing the units. As well as mitigating the sound, it would improve the aesthetic as these units are overlooked by our property and others. They note that the units are sheltered from their own terrace, however, they are in full view of ours.

Best regards,

Gregory Arnott & Lisa Waughman

Attached:

All'onda, 67 Charlotte St_new Premises Licence_amended 16.05.2022-highlighted

All'onda, 67 Charlotte St_Plan Basement_05.2022

All'onda, 67 Charlotte St_Plan Ground Floor_05.2022