

Application ref: 2023/0486/P
Contact: Alex Kresovic
Tel: 020 7974 3134
Email: Alex.Kresovic@camden.gov.uk
Date: 5 May 2023

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/planning

Mr Chris Jones
Firstplan
Broadwall House
21 Broadwall
London
SE1 9PL

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Merlin House
122-126 Kilburn High Road
London
NW6 4HY

Proposal:

Installation of extract riser on the rear southern elevation and plant equipment with associated acoustic enclosure on the roof of the ground floor rear extension.

Drawing Nos: Site Location Plan, dated: 05/01/2023, Reference: 23001, Order No: 2114993;

Drawing No: 001-1010-81, dated 06/01/2023;

Drawing No: 001-1010-91, dated 05/01/2023;

Drawing No: 001-1010-92, dated 05/01/2023;

Drawing No: 001-1010-11, dated 06/01/2023;

Drawing No: 001-1010-02, dated 14/12/2022, Rev: A;

Drawing No: 001-1010-01, dated 01/11/2022, Rev: C;

Planning Statement and Design & Access Statement prepared by FirstPlan Ref: PP-11818212 dated 02 February 2023

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 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan, dated: 05/01/2023, Reference: 23001, Order No: 2114993;
Drawing No: 001-1010-81, dated 06/01/2023;
Drawing No: 001-1010-91, dated 05/01/2023;
Drawing No: 001-1010-92, dated 05/01/2023;
Drawing No: 001-1010-11, dated 06/01/2023;
Drawing No: 001-1010-02, dated 14/12/2022, Rev: A;
Drawing No: 001-1010-01, dated 01/11/2022, Rev: C;
Planning Statement and Design & Access Statement prepared by FirstPlan
Ref: PP-11818212 dated 02 February 2023

Reason:

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

- 3 No sound emanating from the application site shall be audible within any adjoining premises between 2300 hrs and 0700 hrs.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, A1, A4, D1, CC1, TC1, and TC2 of the London Borough of Camden Local Plan 2017.

- 4 The external noise level emitted from plant, machinery or equipment at the development with specified noise mitigation hereby approved shall be lower than the typical 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 all machinery operating together at maximum capacity and thereafter be permanently retained.

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 The installation, operation, and maintenance of the odour abatement equipment and extract system, including the height of the extract duct and vertical discharge outlet shall be implemented in accordance with the 'EMAQ+Control of Odour and Noise from Commercial Kitchen Exhaust Systems. Approved details shall be implemented prior to the commencement of the use and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by cooking odour

Informative(s):

- 1 Reasons for granting permission:

The application seeks the provision of new associated plant and mechanical ventilation to allow for the use of the ground floor for a restaurant under Class E(b) of Schedule 2, Part A of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 ("2020 Amendment").

The use of the building as a restaurant will not amount to 'development' under Section 55 of the Town and Country Planning Act 1990 and therefore will not require planning permission and does not form part of this application.

The majority of the plant system is located and routed internally within the building. The external elements are located at the rear of the building on the south elevation where the condensers are proposed to be located as well as the extract riser and ducting which is proposed to terminate at roof level.

The proposed location will ensure that the duct is not visible from Kilburn High Road and that there is very limited visibility from Quex Road. Furthermore, the duct will sit on an area of blank brickwork and would therefore not obscure any architectural features of merit and is also set away from any windows. It is noted that the windows nearest the duct on the southern elevation of the building serve a communal corridor and are not habitable residential windows.

There are existing air conditioning units at the application site within an existing acoustic enclosure. It is noted, the new condensers and extract fan would only to be used for the refrigeration and to control cooking smells, rather than cooling. As such, an overheating strategy is not required.

The proposed works due to their nature and position, and the existing structures, are not considered to cause any detrimental impact on amenity in terms of loss of light, outlook, noise and odour. A noise report has been submitted in support of the application. The Council's Environmental Health officer has reviewed the documents and has confirmed that the proposal is satisfactory subject to the standard noise conditions. To ensure that no adverse amenity/noise impacts occur at the application site, noise conditions have been attached to the planning permission to mitigate any such impact.

No objections were received and the planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies E1, A1, A4, D1, CC1, TC1, and TC2 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2021.

- 2 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).
- 3 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.
- 4 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) 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:

<https://www.gov.uk/appeal-planning-decision>.

If you submit an appeal against this decision you are now eligible to use the new [submission form](#) (Before you start - Appeal a planning decision - GOV.UK).

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is positioned in the upper left quadrant of the page.

Daniel Pope
Chief Planning Officer