

LB Camden Reference **EN23/0661**

HM Planning Inspectorate  
Room 3 O/P  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

4 September 2023

To Whom It May Concern,

**Appeal of Enforcement Notice EN23/0661**  
**Air Intake at LUMI Café, 82 Camden High Street, London NW1 0LT**

On behalf of the Appellant, LUMI 1 Ltd., we write to appeal Enforcement Notice EN23/0661 issued 15 August 2023. The appeal is based on the grounds of:

*(a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;*

The enforcement notice requires the removal of an air intake fan at the captioned site address. The site has been the subject of a planning consent for, among other things, the installation of an air extraction system (reference 2021/3936/P) to serve the kitchen at the café. The drawings submitted for this application were based on basic designs by a commercial extraction firm (Firm A).

Reference 2022/3459/P, a Section 73 (S73) application sought to replace the drawings consented under application reference 2021/3936/P with drawings prepared by a second commercial extraction installer (Firm B). LB Camden Council approved these.

On installation of the extraction system as designed, the commercial extraction Firm B also installed an air intake grille, which had been missed off their drawings prepared for, and approved under, 2022/3459/P. The air intake is critical for the operation of an extraction system. The system requires an air pressure balance - like any ventilation system – i.e. extracted air must be replaced by fresh air for the system to operate.

We contend that the air intake is crucial to the operation of the extraction system, and if LB Camden's noise and odour concerns mitigated by condition, the air intake should be granted planning consent.

On completion of the installation, thinking he had complied with the conditions of the consent, the Appellant commissioned a noise assessment (reference 202321058M1058C Noise Report Secure v2) and submitted it to discharge some of the conditions of the original consent, unaware that the air intake represented a planning breach, and the resulting system exceeded noise limits. This noise assessment showed the installation failed to operate below the noise levels stipulated by the consent. Crucially, the noise report also suggested anti-vibration mounts and attenuators as mitigation. These suggestions have guided current proposals.

Both the air intake which is subject to this appealed Enforcement Notice, and the addition of attenuation to the extract are now proposed in a revised S73 application, reference PP-12431165v1, submitted 04/09/23. This revised S73 also includes details of anti-vibration mounts per the recommendations of the Appellant's post-completion noise assessment (and a requirement of the original consent). The breach of noise levels, subject of a Breach of Condition Notice (EN22/0671), is also addressed by the latest Section 73 submission.

In summary, the air intake is a necessary part of the extraction system. In a back-of-house environment it is not out of place with its surroundings, and with sufficient noise attenuation, the design of which is recommended by an accredited noise assessor, should be approved by the Council.

With the above in mind, we suggest the appeal be allowed.

Yours faithfully,



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For and on behalf of Nathan Davis Abel, LUMI 1 Ltd. (The Appellant)