

Application ref: 2023/4889/P  
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**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
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Michael Burroughs Associates  
93  
Hampton Road  
Hampton Hill  
TW12 1JQ

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted**

Address:

**49 Willow Road**  
**London**  
**NW3 1TS**

Proposal: Erect a SVP stack, boiler flue, WC vent (Ground floor roof); SVP stack, boiler flue (First floor roof)(retrospective)

Drawing Nos: Site Location Plan; 21004-00-101; 21004-00-102; 21004-00-300; Cover letter prepared by Michael Burroughs Associates Limited, 16/11/2023.

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; 21004-00-101; 21004-00-102; 21004-00-300;

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

- 3 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.

- 4 The external noise level emitted from the mechanical plant/extract 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 machinery operating 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 must be 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/consent-

The proposal relates to the erection of ventilation equipment at roof level,

associated with a kitchen as part of café, associated with theatre previously granted planning permission (ref. 2021/3607/P, 23/12/2021).

The equipment would be attached to sloping of the lean-to attached to the four-level building. Given the equipment generally being small in scale and limited to the extract, flue and SVP, the equipment would not be viewed as an over proliferation of clutter at the roof. Such equipment are also commonly associated with buildings containing a commercial use. Overall, the equipment would be a very minor element of the building, not unanticipated, and not readily discernible to passerbys.

In summary, the works will not harm the character and appearance of the host building, streetscene and conservation area. 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 2013.

With regard to noise and odour, Council's Environmental Health Officer has reviewed the technical report addressing these matters, submitted as part of 2021/3607/P. The Officer notes the assessment indicates that the proposed installation should be capable of achieving the Camden's environmental noise criteria at the nearest and potentially most affected noise sensitive receptors with specified noise mitigation. The Officer also considers a satisfactory odour assessment had also been carried out for the development in line with the Air Quality Management (IAQM) guidance.

Conditions are therefore proposed to limit external noise levels to lower than typical background noise levels, ensure machinery, plant or equipment are fitted with proprietary anti-vibration isolators and fan motors to be vibration isolated from the casing and adequately silenced and maintained; and require odour abatement equipment and extract system, including the height of the extract duct and vertical discharge outlet, to be in accordance with the applicant's 'EMAQ+Control of Odour and Noise from Commercial Kitchen Exhaust Systems' document.

Two objections were received from neighbouring residents. The objection cites a concern to odour from kitchen emissions and that the application material does not adequately address this point. The second objection also cites similar concerns, and requests that drawings and photos be provided, showing the routing of pipes carrying kitchen odours from the kitchen in its new position, through the internal structure of the building, to the existing chimney breast, and exiting at third floor level. The applicant has responded to this second point and clarified that a plan (ref. P5-PL-00-120) submitted as part of a non-material amendment application, ref. 2022/1136/P, dated 27/04/2022), shows the ductwork route at high level from kitchen to extract riser which terminates at roof level.

Compliance with condition 6 requiring the odour abatement equipment and extract system to be in compliance with the EMAQ+Control of Odour and Noise from Commercial Kitchen Exhaust Systems document, would ensure the amenity of surrounding persons was not adversely effected in respect to odour.

The application site's planning history and relevant appeal decisions were taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies A1, D1, D2, and A4 of the Camden Local Plan 2017, and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018-2033. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2023.

- 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 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).
- 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](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:

[https://www.gov.uk/appeal-planning-decision.](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 'DP', is centered on the page.

Daniel Pope  
Chief Planning Officer