

Application ref: 2023/3503/P
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Date: 2 April 2024

Development Management
Regeneration and Planning
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planning@camden.gov.uk

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Walsingham Planning
Brandon House
King Street
Knutsford
WA16 6DX
United Kingdom

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

**325 Kentish Town Road
London
NW5 2TJ**

Proposal:

Installation of external extract duct from first floor level to roof level on the rear elevation and installation of four condensing units at first floor level on the rear elevation of 10 York Mews.

Drawing Nos: Environmental Noise Survey and Plant Noise Impact Report REV E dated 10 January 2024; Planning Statement by Airflow Cooling ref: I00002147 dated 14 August 2023; QI02147-TG-ZZ-DR-01 Rev 3; (KT23-KC-) P001; P002 E; P003; P099A; P100C; SK211B, SK212 .

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:-
Environmental Noise Survey and Plant Noise Impact Report REV E dated 10 January 2024; Planning Statement by Airflow Cooling ref: I00002147 dated 14 August 2023; QI02147-TG-ZZ-DR-01 Rev 3; (KT23-KC-) P001; P002 E; P003; P099A; P100C; SK211B, SK212 .

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 of the London Borough of Camden Local Plan 2017.

- 4 The external noise level emitted from two condenser units 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 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 in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

Informative(s):

1 Reasons for granting permission.

The application site is the ground floor of a four-storey building with a frontage to Kentish Town Road and extends to the rear at ground floor level with access to York Mews. The upper floors comprise of residential flats within three upper floors to Kentish Town Road frontage and two upper floors to 10 York Mews frontage. The first-floor roof has an undeveloped area which separates the two main buildings, and the flats have shared access to and use as a roof terrace.

The site is within the designated town centre area which is characterised by ground floor retail and commercial units with good transport links. The ground floor of the property was used for commercial purposes ranging from retail, café and financial services by the previous occupiers. After the changes to the Use Classes Order introduced Class E that allowed changes of use between high street uses without the need for planning permission, the applicant seeks to use the ground floor of the building as a restaurant with seating for 24 people.

The proposed air condensing and refrigeration units would be installed at the rear first floor level in the area between the flats adjacent to the existing residential unit to 10 York Mews. The kitchen extract duct rises from the ground floor premises at rear first floor level and discharging at roof level of 325 Kentish Town Road. The duct would be sited and fixed to the flank party wall of number 327 Kentish Town Road. The plant equipment would be located on the eastern elevation of 10 York Mews adjacent to a blank elevation that would serve the restaurant at ground floor level for the purposes of ventilation and cooling.

The site is limited in scope for potential siting of the equipment. It is constrained by the need to locate the equipment close to the use, the extent of footprint of the building at ground level, and the height of the upper floors of 10 York Mews and 325 Kentish Town Road. The proposal would be set back from flank walls with limited impact on the fabric of the building and located between the existing buildings and boundary walls, which would largely screen the equipment and have limited visibility from wider public views along York Mews and Regis Road. There are existing building services including duct and plant equipment to the rear of the neighbouring properties at numbers 323 and 333 Kentish Town Road which are visible from Regis Road. In this context, given the siting at the rear of commercial units in a town centre, the proposed equipment would not be detrimental to the appearance of the building and street scene.

The nearest residential properties are at first-floor level of 325 Kentish Town Road and 10 York Mews. A noise impact assessment has been submitted and reviewed by the Council's Environmental Health officer who is satisfied it meets Local Plan guidelines and the proposed installation should be capable of achieving Camden's environmental noise criteria at the nearest and potentially most affected residential windows. Provided the equipment is designed with the mitigation measures as specified in the Noise Impact Assessment dated 10th January 2024 and Airflow Cooling Planning Statement dated 14 August

2023 and conditions included in this decision, the proposals would not harm the amenity of residential neighbours in terms of noise or odour.

There is some impact on the outlook from the windows on the rear elevation, understood to serve bedrooms. While the screening provided by the louvre housing would be visible, given the existing view is a blank wall, it would not significantly worsen the existing situation as to be harmful. On balance, the proposals would not harm neighbouring residential amenity in terms of loss of privacy, daylight, or outlook.

- 2 The existing layout and depth of the ground floor commercial unit limits the potential for natural and mechanical ventilation measures that would be sufficient to meet the requirements for the activities within the commercial unit. Active cooling measures would achieve the conditions required for food preparation and restaurant activity; therefore, the air conditioning units are considered appropriate in this instance.

No objections have been received prior to making this decision. The Kentish Town Neighbourhood Forum have confirmed they have no objection to the proposals. The site's planning history was considered when making this decision.

As such, the proposal is in general accordance with policies A1, A4 and D1 of the Camden Local Plan 2017 and Policy D3 of the Kentish Town Neighbourhood Plan 2016. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2023.

- 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) 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.

- 5 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.

- 6 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.

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 written over a light blue rectangular background.

Daniel Pope
Chief Planning Officer