

Application ref: 2023/3646/P
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Date: 24 May 2024

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SEBOUH Architects
55 Salisbury Walk
London
N19 5DS
United Kingdom

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted

Address:

**82 Camden High Street
London
NW1 0LT**

Proposal:

Variation of condition 2 (approved plans) of ref: 2022/3459/P dated 14/10/2022, for; Minor Material Amendment (S73) to amend Condition 2 (Approved plans) of ref: 2021/3936/P dated 07/07/2022 for 'Retrospective application to change the use of the ground and basement unit from a mixed A1 (retail), A3 (cafe) and A4 (bar) Sui Generis use to Class E (b) and retention of air-conditioning unit on the rear at first floor level and a cooking extract grille at the rear.'

Drawing Nos: Site Location Plan 01, Pre-Existing Existing & Proposed (25)M-401 RevB, Approved Plans and Elevations 060130 (dated 07.09.2030), Proposed Plans and Elevations 060130 (dated 07.09.2023), Fixing details 100E17-006. Noise Survey Report V2 (Compliance 4 Buildings Ltd 19/05/2023 202321058M1058C/1/2). Ventilation Statement (Neon Architects 21/08/2023 G0070).

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 shall be carried out in accordance with the following approved plans: Site Location Plan 01, Pre-Existing Existing &

Proposed (25)M-401 RevB, Approved Plans and Elevations 060130 (dated 07.09.2030), Proposed Plans and Elevations 060130 (dated 07.09.2023), Fixing details 100E17-006. Noise Survey Report V2 (Compliance 4 Buildings Ltd 19/05/2023 202321058M1058C/1/2). Ventilation Statement (Neon Architects 21/08/2023 G0070).

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

- 2 Prior to use of the development the noise mitigation and attenuation measures shall be installed to ensure that the external noise level emitted from plant, machinery/ equipment will be lower than either the existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to "Methods for rating and assessing industrial and commercial sound" at the nearest and/or most affected noise sensitive premises with all machinery operating together at maximum capacity and thereafter be permanently retained. A post installation noise assessment shall be carried out to confirm compliance with the noise criteria and additional steps to mitigate noise shall be taken, as necessary.

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.

- 3 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

- 4 The operation, and maintenance of the odour abatement equipment and extract system, including the height of the extract duct and vertical discharge outlet, must be at all times in accordance with the 'Noise Survey Report V2 (Compliance 4 Buildings Ltd 19/05/2023 202321058M1058C/1/2)' and 'Ventilation Statement (Neon Architects 21/08/2023 G0070)'. Approved details shall be implemented prior to the commencement of the use of the equipment 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.

- 5 Within three months of the date of this decision, the extract flue and plant hereby approved shall be installed in accordance with the approved details.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by noise, vibration and odour in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

6 Within two months of the date of the installation of the extract flue and plant, a post-completion report shall be submitted demonstrating compliance with the above conditions, namely:

- a) that the flue and plant has been installed in accordance with the approved details and plans, and on what date; and
- b) that the mitigation measures have been installed in accordance with the approved details and plans, and conditions 3 and 4 of this permission; and
- c) that the noise from the plant complies with condition 2 of this permission.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by noise, vibration and 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:

This application seeks amendment to a previously approved scheme in order to improve sound attenuation and anti-vibration measures to the air-conditioning and kitchen extract. The as approved scheme by the applicants own admission would cause a breach of the approved decision notice condition 2 in relation to noise emitted from plant.

The proposed works would include installation of sufficient attenuation and vibration suppression measures to reduce any sound emitted by the plant. The works relate to the rear elevation and would not be visible from the public realm.

The development is not considered to have any harmful impact on the character or appearance of the Camden Town Conservation Area.

These works are considered necessary in order to ensure the plant equipment does not cause harm to neighbouring residential amenity, and as such are welcomed.

The Council's Environmental Health Officer has been consulted on the scheme and confirmed the details are acceptable, subject to conditions which have been added to this decision along with other relevant conditions from the associated application.

One objection was received during the assessment of the application which has been given due consideration. No other objections have been received. The site planning and enforcement history has been taken into account when determining this decision.

Special attention has been paid to the desirability of preserving the special interest of the listed building and 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.

As such, the proposed development is in general accordance with policies A1, A4, D1 and D2 of the London Borough of Camden Local Plan 2017. 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) 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', written in a cursive style.

Daniel Pope
Chief Planning Officer