

Application ref: 2024/0244/P  
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Date: 7 October 2024

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

Phone: 020 7974 4444

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Belmont Cl, Belmont Rd, Uxbridge  
UB8 1HE  
United Kingdom

Dear Sir/Madam

### **DECISION**

Town and Country Planning Act 1990 (as amended)

#### **Full Planning Permission Granted**

Address:  
**296 Kilburn High Road**  
**London**  
**NW6 2DB**

Proposal: Retrospective permission for the installation of flue and retention of existing door to ground floor rear elevation  
Drawing Nos: UK2101-H1-D-A-101, UK2101-H1-D-A-102, UK2101-H1-D-A-103,  
Design and Access Statement, Noise Impact Assessment, Flue Specification

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:

UK2101-H1-D-A-101, UK2101-H1-D-A-102, UK2101-H1-D-A-103, Design and Access Statement, Noise Impact Assessment, Flue Specification

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

- 3 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.

- 4 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.

- 5 The installation, operation, and maintenance of the odour abatement equipment and extract system, including the height of the extract duct and horizontal 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.

- 6 The door hereby approved, shall be kept fixed shut in perpetuity, unless otherwise approved in writing by the Local Planning Authority.

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.

Informative(s):

- 1 Reasons for granting permission:

The application site comprises a four-storey building containing a ground floor commercial unit. The site is within Kilburn Town Centre. The site is not within a Conservation Area and the building is not listed. This application relates to the commercial unit which is in use as a takeaway. The proposal seeks retrospective permission for the installation of a flue extraction system to the rear ground floor elevation.

The flue is to be located along the length of the flat roof above the kitchen and extends upwards to the first floor elevation only. The development would be visible from the rear windows of the neighbouring properties along Kilburn High Road but not from the streetscene. Although there would be some visual impact resulting from the flue, these have a very limited impact, as it is not publicly visible and is in line with similar equipment in the surrounding area and as previously approved at the site. Overall, the design and principle are considered acceptable and the equipment is not considered to be harmful to the character of the building.

In terms of amenity the flue would be located within close proximity to windows on the first and second floor level of the application site, with the closest second floor window being a habitable room. However the flue is a considerable distance from the window, on the floor below, and is considered acceptable. The development would not result in loss of outlook, daylight, sunlight or privacy.

A noise impact assessment has been submitted and reviewed by the Council's Environmental Health Officer and found to be acceptable. The officer confirmed that the noise emission levels of the proposed plant achieve the Local Authority criteria during the operating period with the specified mitigation methods. Approval will still be subject to conditions requiring compliance with Camden's noise standards, sound/vibration attenuation measures which must be installed prior to use and a condition requiring installation, operation and maintenance in accordance with the approved system.

Permission is also sought for the retention of the door on the rear elevation. Given the door would access Council Owned land (Kilburn Grange Park), approval will be subject to a condition has been added which prevents the door from being used.

No objections were received prior to making this decision. The planning history of the site and surrounding area were taken into account when coming to this decision.

The proposal is in general accordance with policies A1, A4 and D1 of the Camden Local Plan. The proposed development also accords with the policies of the London Plan 2021 and National Planning Policy Framework 2023.

- 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](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.

- 5 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:
  - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
  - (b) the planning authority has approved the plan.

The local planning authority (LPA) that would approve any Biodiversity Gain Plan (BGP) (if required) is London Borough of Camden.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are summarised below.

Based on the information available this permission will not require the approval of a BGP before development is begun because it is below the de minimis threshold because it does not impact an onsite priority habitat.

If the onsite habitat includes Irreplaceable Habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements.

The BGP must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The LPA can only approve a BGP if satisfied the adverse effect on the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 and a BGP was approved in relation to the previous (parent) planning permission ("the earlier BGP") there are circumstances when the earlier BGP is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

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 2023.

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