

Application ref: 2020/4928/P
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Date: 25 September 2024

Development Management
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Papa John's (GB) Ltd
11 Northfield Drive
Milton Keynes
MK15 0DQ

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Refused and Warning of Enforcement Action to be Taken

Address:

43 Theobald's Road
London
WC1X 8SP

Proposal:

Alterations to existing flue extract on rear elevation and installation of plant on rear extension roof, removal of awning to shopfront, all in relation to existing take-away use (Class use Sui-generis). (Retrospective)

Drawing Nos: 19119-01; 19119-02; 19119-03; 19119-10; 19119-11 Rev A; Cover Letter (Sanderson Weatherall, dated 23/10/2020); Supporting information on the proposed extraction system and plant; Assessment of noise associated with fixed plan equipment (Sharps redmore, dated 22/01/2021); Noise Model.

The Council has considered your application and decided to **refuse** planning permission for the following reason(s):

Reason(s) for Refusal

- 1 The proposed development, by virtue of insufficient noise mitigation associated with the roof-top plant, would fail to achieve a minimum 'rating level' of 10dB below background levels at all testing locations, and thus would fail to safeguard the amenities of adjoining residential occupiers by virtue of potential noise nuisance, and is thereby contrary to Policies A1 (Managing the impact of development) and A4 (noise and vibration) of the Camden Local Plan 2017.

Informative(s):

- 1 The previous stall riser has been removed from the shopfront and planning permission was not sought for this material alteration. It is noted that its removal is not supported and a planning application should be made to reinstate a stall riser on the shopfront that is sensitive to the historic character of the shopfront and is consistent with the design of stall risers on other shopfronts within the surrounding area.

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.

ENFORCEMENT ACTION TO BE TAKEN

The Council has authorised the Planning Department to instruct the Borough Solicitor to issue an Enforcement Notice alleging breach of planning control.

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



Daniel Pope
Chief Planning Officer