

Mr Kieran Rafferty
KR Planning
183 Seafield Road
Bournemouth
Dorset BH6 5LJ

Application Ref: **2016/1398/P**
Please ask for: **Jonathan McClue**
Telephone: 020 7974 **4908**

6 July 2016

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

**The Magdala
2A South Hill Park
London
NW3 2SB**

Proposal:

External flue extract to the side of the building, for the use of the existing Public House at basement, ground and first floors (A4).

Drawing Nos: (P1-985.04-)000; 020; 021; 022, (P2-985.04.)100; 101; 102; 103; 200; 221; 222; 400 and External Noise Assessment (ref: SA-3369/2) dated 29/06/2016.

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 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 CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans (P1-985.04-)000; 020; 021; 022, (P2-985.04.)100; 101; 102; 103; 200; 221; 222; 400 and External Noise Assessment (ref: SA-3369/2) dated 29/06/2016.

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

- 4 The external noise level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the lowest existing background noise level by at least 5dBA, by 10dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises outside the campus area, with all machinery operating together at maximum capacity.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises are not adversely affected by noise from mechanical installations and equipment.

- 5 Prior to use, the extract system and ducting 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.

- 6 Prior to commencement of the use, details shall be submitted to and approved in writing by the Council, of the installation, operation, and maintenance of the odour abatement equipment and extract system, including the height of the extract duct and vertical discharge outlet, in accordance with the 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' January 2005 by DEFRA. 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 and surrounding premises are not adversely affected by cooking odour.

Informative(s):

1 Reasons for granting permission.

The host building contains an existing public house at lower ground, ground and first floor level with 2 self-contained residential flats approved on the floors above subject to 2014/6588/P. The pub is an Asset of Community Value (ACV) and the building is listed as a positive contributor within the South Hill Park Conservation Area.

The proposed extractor flue would run up the side elevation of the building at first and second floor level before terminating above the eaves. It would be encased in a lightweight metal strut system with terracotta composite slats. Due to the location of the flue and the presence of mature trees, it would not be visually prominent from within the conservation area and it would be sympathetic to the exterior of the building through the use of its materials. The location to the side of the building rather than to the rear is preferred as it would be further positioned from the rear windows of the proposed units and the rear elevations of the surrounding residential occupiers. The flue would also help sustain the future of the ACV. Overall and on balance it is considered that the proposal would preserve the character and appearance of the conservation area.

An 'External Noise Assessment' has been submitted by a qualified Acoustic Engineer. The report assesses background noise levels and sets maximum noise levels for the proposed plant equipment and recommended mitigation methods. Based on the assessment and conclusions within the report plant equipment is considered acceptable in principle. This view has been supported by the Council's Environmental Health Officer, subject to further details of odour control and conditions requiring the implementation of anti-vibration isolators and compliance with noise level thresholds.

The site's planning and appeal history has been taken into account when coming to this decision. Comments have been submitted by an adjacent occupier and a representative from the South End Green Association. These comments have been duly considered by the Council and the relevant parties expressed their satisfaction following correspondence with the case officer.

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 (ERR) 2013.

As such, the proposed development is in general accordance with policies CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24, DP25, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with policies 7.4, 7.6 and 7.8 of the London Plan 2016; and paragraphs 14, 17, 56-66 and 126-141 of the National Planning Policy Framework.

2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which 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, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).

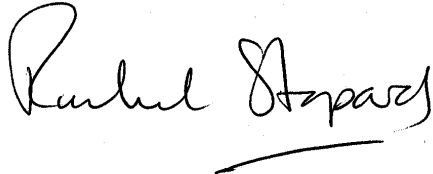
- 3 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully



Rachel Stopard
Executive Director Supporting Communities