

Mr Ali Ender Cemgil
Arch Planning & Licensing
33b Grand Parade
Green Lanes
Haringey
London
N4 1LG

Application Ref: **2016/0387/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:

**302 Kilburn High Road
London
NW6 2DB**

Proposal:

Change of use from a sandwich bar (A1) to a sandwich bar/grocery store to the front of the premises (A1) and a restaurant/cafe (A3) to the rear along with the installation of an extraction flue.

Drawing Nos: A100; A103 Rev B; A104 Rev B; A105; A106; A107; Design and Access Statement, Noise Assessment (ref: 3480-R1) and GRP Building Products Extraction Flue Covers details.

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 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 A100; A103 Rev B; A104 Rev B; A105; A106; A107; Design and Access Statement, Noise Assessment (ref: 3480-R1) and GRP Building Products Extraction Flue Covers details.

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 10dBA as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with machinery operating at maximum capacity.

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

- 5 Prior to its first 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 The use hereby permitted shall not be carried out outside the following times 11.00 to 23.00 (Monday to Friday), 11:00 to 23:30 (Saturday) and 12:00 to 23:00 (Sunday and Bank Holidays).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policies DP12, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 7 No music shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the

Informative(s):

1 Reasons for granting permission.

This proposal relates to a ground floor sandwich bar (A1) within a non-core frontage of the Kilburn Town Centre. Camden Planning Guidance (CPG5) states that the Council normally resists proposals where the proportion of A1 units in a non-core Town Centre frontage would be taken below 50%. The unit has been a sandwich bar (Caffe Milan) since at least late 2010. It lies within a mixed parade of uses.

The ground floor frontage would remain in retail (A1) use to sell coffee, snacks, sandwiches, organic and gluten free products, dairy products and various other cultural items from Ethiopia and Eritrean such as herbs and spices. It would include a display area and counter and occupy the front third (35.2% of the total floor area) of the ground floor. The middle third (26.3%) of the building would be in A3 (restaurant/café) use preparing and serving Ethiopian and Eritrean food. Both uses would benefit from a shared A1/A3 area to the rear (38.5%) which would include toilets, a preparation area, kitchen and storage. Due to the retail area being the dominant use of the premises and at the front of the building, it is considered that the retail character and function of the town centre would not be harmed. The application site is surrounded by other A3 uses however it is not considered that the cumulative impact of the proposed development would result in any undue harm to the character of the town centre or the general amenities of any surrounding residential occupiers. Conditions regarding hours of use and the restriction of music audible outside the premises would be added to further protect neighbouring amenity.

The proposed extractor flue would run up the rear elevation of the building and terminate above its eaves. It would be encased in a matching brick extraction flue cover to help it create a more sympathetic appearance on the rear elevation. Due to the flue's location to the rear and the presence of other flues in the prevailing pattern of development, it is considered to be in keeping with the character and appearance of the locality.

A '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 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. No comments have been received from third parties.

As such, the proposed development is in general accordance with policies CS5, CS7 and CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP12, DP24, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with policies 2.15, 7.4 and 7.6 the London Plan 2016; and paragraphs 14, 17 23-27 and 56-66 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).

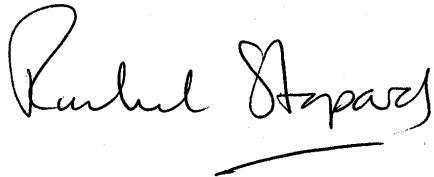
- 3 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays 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