

Mr Peter Tran  
Eyelevel Interior  
20 Willow Green  
London  
NW9 5GP

Application Ref: **2016/3829/P**  
Please ask for: **Robert Lester**  
Telephone: 020 7974 **2188**

21 December 2016

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Full Planning Permission Granted and Warning of Enforcement Action

Address:  
**111-113 Hampstead Road**  
**London**  
**NW1 3EE**

Proposal:  
Replacement extract ducting (part retrospective application)  
Drawing Nos: Revised Proposed Plan(RC) ref: PLD 16 122307, Noise Survey ref: 14466.PCR.01 RevC, Superlag Insulation Specification, Damping Sheet Specification, GigaBox Centrifugal Fan Specification, Mineral Fibre Insulation Specification, Existing Rear and Side Elevation Plan PLD 16 70504, Original Duct Plan ref: 0240/06-400, RAL 8019 Colour Specification (Grey Brown).

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 implemented within 6 months of 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 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, with all machinery operating together at maximum capacity.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 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: - Revised Proposed Plan(RC) ref: PLD 16 122307, Noise Survey ref: 14466.PCR.01 RevC, Superlag Insulation Specification, Damping Sheet Specification, GigaBox Centrifugal Fan Specification, Mineral Fibre Insulation Specification, Existing Rear and Side Elevation Plan PLD 16 70504, Original Duct Plan ref: 0240/06-400.

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

- 4 The plant and equipment hereby approved shall only be used during the lawful operating hours of the restaurant/bar at this site and at no other times, unless otherwise agreed in writing by the local planning authority

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 policy DP26, DP28 and DP12 of the London Borough of Camden Local Development Framework Development Policies.

- 5 The plant or equipment hereby approved shall be mounted with proprietary anti-vibration isolators and fan motors, which shall be vibration isolated from the casing and adequately silenced and maintained as such.

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

- 7 The extract duct hereby approved shall be finished in a Grey Brown powder coated colour finish (RAL 8019), unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the appearance of the building 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.

Informative(s):

1 Reason for granting planning consent:

This part retrospective development is for the installation of a partial replacement kitchen extract duct to the rear of the building. The site is located at 111-113 Hampstead Road which is a 4 storey building with a basement level and a mansard roof. The building contains a restaurant/bar at basement and ground floor levels and residential flats on the upper floors.

The partial replacement kitchen extract duct would be sited in a lightwell located on the northern side of the rear elevation from basement up to roof level. It would be a circular structure with a width of 0.45 m. The proposed fan and associated insulation would increase the width of the duct to 0.75 m for a short distance at first floor level.

The duct replaces former ducts at the site approved in 2011(ref: 2011/3589/P) and 2003 (2003/1636/P).

The site is located in a mixed use residential and commercial area which is not designated as conservation area. However, the adjacent buildings at 37-38 Netley Street and Netley Street school are locally listed buildings.

The extract duct would be sited in an enclosed area to the rear and would only be visible from Netley Street to the south west and Everton Mews to the north west. The extract duct would not be a wide structure and would not extend above roof level. The extract duct would be finished in a grey brown powder coated colour finish which would harmonise with the character, setting, context and form of the building and neighbouring buildings. Therefore, it is not considered that the proposed duct would harm the host property nor the wider area over and above the existing situation.

A noise survey has been submitted which is acceptable and subject to planning conditions the development would not result in a material amenity impact on neighbouring properties. The extract duct would also not impact on outlook from the residential flats.

The objection received and site planning history of the site have been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies CS5, CS7, 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 the London Plan 2016 and the National Planning Policy Framework 2012.

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).

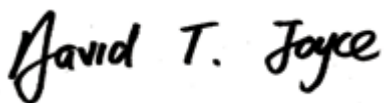
- 3 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays 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.
- 4 The applicant is advised that the Council is minded to take Enforcement Action against the existing extract duct at the site which impacts on residential amenity by reason of noise and disturbance and does not harmonise with the appearance of the building all contrary to with policies CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP24, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies. The applicant is therefore advised to implement the development within 6 months of the date of this permission.

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



David Joyce  
Executive Director Supporting Communities