

Mr R Gokce  
Direct Planning Ltd.  
95-97 Riverbank House  
High Street  
St Mary Cray  
Orpington  
Kent, BR5 3NH

Application Ref: **2017/1894/P**  
Please ask for: **John Diver**  
Telephone: 020 7974 **6368**

7 August 2017

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted**

Address:  
**114a-116 Fortress Road**  
**London**  
**NW5 2HL**

Proposal:  
Change of use of ground floor from Retail (Class A1) to Restaurant (Class A3) and installation of extraction system/ducting to rear.

Drawing Nos: DP/2973/FC/01 (dated March 2017), DP/2973/FC/02 (dated March 2017), DP/2973/FC/03 (dated March 2017), DP/2973/FC/04 (dated March 2017), DP/2973/FC/05 (dated March 2017); Design and Access Statement dated May 2017; Noise Impact Assessment (4279-ENV-1 dated June 2017)

Supporting documents: Wilhams Acoustic Fan Jacket Type AFJ Specification; ELTA High Pressure Fan - SCPP500-4-1 Specification; Purified Air ESP - 1500E Specification; ESP Details (section 2); ISOVER HVAC-Product-Guide-2012; ISOVER HVAC Installation Manual Pipe and Ductwork Specification; Katercarb Carbon Unit Specification; Fan Silencer Specification; Sound Barrier Mats 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 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 D1 of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:

DP/2973/FC/01 (dated March 2017), DP/2973/FC/02 (dated March 2017), DP/2973/FC/03 (dated March 2017), DP/2973/FC/04 (dated March 2017), DP/2973/FC/05 (dated March 2017); Design and Access Statement dated May 2017; Noise Impact Assessment (4279-ENV-1 dated June 2017)

Supporting documents: Wilhams Acoustic Fan Jacket Type AFJ Specification; ELTA High Pressure Fan - SCPP500-4-1 Specification; Purified Air ESP - 1500E Specification; ESP Details (section 2); ISOVER HVAC-Product-Guide-2012; ISOVER HVAC Installation Manual Pipe and Ductwork Specification; Katercarb Carbon Unit Specification; Fan Silencer Specification; Sound Barrier Mats Specification

Reason:

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

- 4 The restaurant use shall take place during the period of 09:00am - 22:30pm Monday to Friday; 09:00-23:00 Saturdays and 10:00 - 21:30 Sundays and Bank Holidays only and at no other time.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely.

- 5 The external noise level emitted from plant equipment at the development hereby approved along with specified noise mitigation 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 ensure that the amenity of occupiers of the development site/

surrounding premises is not adversely affected by noise from mechanical installations/ equipment

- 6 Prior to use, plant equipment and associated 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.

- 7 Before the first use of the extract equipment commences, the external surface to the extract ducting hereby approved shall be painted black and thereafter permanently maintained as such.

Reason: To safeguard the appearance of the premises and the character of the immediate area

#### Informative(s):

- 1 Reasons for granting permission.

Following the submission of a GDPO prior approval application (2017/1978/P), the use of the application unit as a restaurant (A3) as well as the associated works to install a rear kitchen extract system was granted permission on the 21 June 2017. The assessment of this previous permission included an evaluation of the potential impacts of the proposal in terms of residential amenity (noise and disturbances, odour, outlook, light and privacy), transport and waste management as well as impacts upon the sustainability of the Fortess Road neighbourhood centre shopping area. As this permission remains extant it is considered that the use of the unit for restaurant purposes has been established. As no variations to the approved scheme are hereby proposed, no further objection is raised. In order to protect the residential amenities of nearby occupiers, conditions are recommended to be re-secured relating to the business's opening hours, the maximum noise levels to be capped and mitigation measures put into place (in accordance with submitted noise assessment). In order to ensure that the rear extract duct does result in any significant impact to views towards the rear of the site, a condition it recommended for its outer surface to be painted black.

No comments were received following the public consultation exercise. The sites planning history has been duly considered when forming this decision.

Subject to the above conditions, the development is therefore considered to remain in accordance with the London Borough of Camden Local Plan 2017, with specific regard to policies G1, E1, A1, A4, D1, CC5, TC1, TC4 and T2. The development also remains in accordance with the NPPF (2012) as well as the London Plan (2015).

- 2 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 Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website 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.

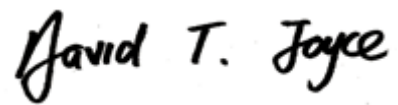
- 3 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 4 Your attention is drawn to the need for compliance with the requirements of the Environmental Health regulations, Compliance and Enforcement team, [Regulatory Services] Camden Town Hall, Argyle Street, WC1H 8EQ, (tel: 020 7974 4444) particularly in respect of arrangements for ventilation and the extraction of cooking fumes and smells.
- 5 The display of an advertisement without consent is a criminal offence under Section 224(3) of the Town and Country Planning Act 1990. Under Section 225 of the Town and Country Planning Act, Section 10 of the London Local Authorities Act 1995 and Section 11 of the London Local Authorities Act 1995 the Council has powers to enter the land and remove the display. As such, the Council will commence prosecution/action to secure the removal of the advertisement.
- 6 This permission is granted without prejudice to the necessity of obtaining consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Application forms may be obtained from the Council's website, [www.camden.gov.uk/planning](http://www.camden.gov.uk/planning) or the Camden Contact Centre on Tel: 020 7974 4444 or email [env.devcon@camden.gov.uk](mailto:env.devcon@camden.gov.uk).
- 7 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.
- 8 The Council supports schemes for the recycling of bottles and cans and encourages all hotels, restaurants, wine bars and public houses to do so as well. Further information can be obtained by telephoning the Council's Environment Services (Recycling) on 0207 974 6914/5 or on the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.

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

A handwritten signature in black ink that reads "David T. Joyce". The signature is written in a cursive style with a large initial 'D' and 'J'.

David Joyce  
Director of Regeneration and Planning