

Ms Elaine Halford  
Elaine Halford Architects  
8 Park Avenue  
LONDON  
N22 7EX

Application Ref: **2017/3687/P**  
Please ask for: **Alyce Keen**  
Telephone: 020 7974

20 September 2017

Dear Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Full Planning Permission Granted

Address:  
**238 West End Lane**  
**LONDON**  
**NW6 1LG**

Proposal:  
Alterations and refurbishments to an existing restaurant (Class A3) including installation of a new extract at rear, infiling of rear lightwell to extend the existing basement floorspace and filling an existing rear window opening.

Drawing Nos: Existing: 064-403, 064-405, 064-406.  
Proposed: 064-410 Rev A, 064-412 Rev A, 064-414 Rev A, 064-416, 064-418 Rev A.  
Noise Impact Assessment prepared by Clement Acoustics dated 16 June 2017.

The Council has considered your application and decided to grant permission subject to the following conditions:

#### Conditions and Reasons:

- 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 and D2 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 064-403, 064-405, 064-406; 064-410 Rev A, 064-412 Rev A, 064-414 Rev A, 064-416, 064-418 Rev A. Noise Impact Assessment prepared by Clement Acoustics dated 16 June 2017.

Reason:

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

- 4 Prior to the installation of the equipment hereby approved, 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 commencement of use of the equipment and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by cooking odour in accordance with the requirements of policies G1, CC1, D1, and A1 of the London Borough of Camden Local Plan 2017.

- 5 The external noise level emitted from the extraction equipment hereby approved shall be lower than the lowest existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:1997 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 policies G1, CC1, D1, and A1 of the London Borough of Camden Local Plan 2017.

- 6 Prior to the commencement of use of the equipment hereby approved, the equipment 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. All such measures shall thereafter be permanently retained and maintained in accordance with the manufacturers' recommendations.

Reason: To safeguard the amenities of the adjoining premises and the area

generally in accordance with the requirements of policy G1, A1, A4, D1 and CC1 of the London Borough of Camden Local Plan 2017.

Informatives:

1 Reasons for granting permission.

The proposal is for alterations and refurbishments to an existing restaurant (Class A3) including installing a new rear extract, infilling the rear lightwell to extend the existing basement floor area and filling an existing rear window opening. The proposed alterations of the new rear extract and filling in of an existing window opening are considered acceptable alterations to the rear of the building. While the ventilation duct would be visible from the rear, it is considered to be in keeping with the commercial character of the rear of the properties along this side of West End Lane. The extension of the existing basement floorspace within the already excavated lightwell area is not considered to result in any harm to the host property or conservation area and to be in keeping with the similar works undertaken to the adjoining property at no. 236 West End Lane. No excavation works are required in terms of the depth, width or height of the existing lightwell therefore a Basement Impact Assessment is not required.

Whilst the development will have some visual impact, this is considered to be negligible due to the proposal not being visible from the streetscene. Such alterations, therefore, in this location are not considered harmful to the character or appearance of the host building, street scene or the West End Green Conservation Area.

The proposed ventilation duct is within close proximity to residential properties. However Council's environmental health officer has assessed the submitted noise report and considers it to be acceptable subject to conditions attached to this decision. It is considered that there would not be a material increase in noise impact to residential occupiers and as such would comply with council's policies A1 and A4.

No objections have been received. The application site's planning history and relevant decisions were taken into account when coming to this decision.

Considerable importance and weight has been attached to the harm and 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 Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

The proposed development is in general accordance with policies D1, D2, A1 and A4 of the Camden Local Plan 2017.

2 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).

- 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 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.
- 4 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to [CIL@Camden.gov.uk](mailto:CIL@Camden.gov.uk)

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 T. Joyce*

David Joyce  
Director of Regeneration and Planning