

Application ref: 2018/4875/P
Contact: Tony Young
Tel: 020 7974 2687
Date: 13 May 2019

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

Eyelevel Interiors
20 Willow Green
London
NW9 5GP

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted

Address:
111-113 Hampstead Road
London
NW1 3EE

Proposal:

Variation of conditions 3 (approved drawings) and 7 (extract duct colour) of planning permission (2016/3829/P) dated 21/12/2016 for replacement extract ducting, namely to remove and replace an external fan with an internally housed fan and carbon filter, and to alter the extract duct colour from grey brown to grey (part retrospective).

Drawing Nos:

Superseded:

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, RAL 8019 Colour Specification (Grey Brown).

Proposed:

Existing and proposed rear and side elevation drawing titled 'Proposed Helios Gigabox Fan' dated 12/03/2019; Unnumbered existing and proposed sections & floor plans received 16/03/2019; Site location plan; GigaBox Centrifugal Fan Specification (GBW 400/4) with Anti-Vibration Mounts (SDD-U); Colour survey dated 06/10/2018; Emails from Eyelevel Interiors dated 03/12/2018, 01/04/2019 and 16/03/2019; Hex colour specification #89898a (Grey) received 22/04/2019; Carbon Filter Manufacturers

Specification (ref. CARB1620223).

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 any 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 policies G1, CC1, D1, A1 and A4 of the London Borough of Camden Local Plan 2017.

- 3 For the purposes of this decision, condition 3 of planning permission 2016/3829/P dated 21/12/2016 shall be replaced with the following condition:

REPLACEMENT CONDITION 3

The development hereby permitted shall be carried out in accordance with the following approved plans: Existing and proposed rear and side elevation drawing titled 'Proposed Helios Gigabox Fan' dated 12/03/2019; Unnumbered existing and proposed sections & floor plans received 16/03/2019; Site location plan; GigaBox Centrifugal Fan Specification (GBW 400/4) with Anti-Vibration Mounts (SDD-U); Colour survey dated 06/10/2018; Emails from Eyelevel Interiors dated 03/12/2018, 01/04/2019 and 16/03/2019; Existing Rear and Side Elevation Plan PLD 16 70504; Original Duct Plan ref: 0240/06-400; Hex colour specification #89898a (Grey) received 22/04/2019; Carbon Filter Manufacturers Specification (ref. CARB1620223).

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 G1, CC1, D1, A1, A4, TC1, TC3 and TC4 of the London Borough of Camden Local Plan 2017.

- 5 The plant or equipment hereby approved shall be mounted with proprietary anti-vibration mounts 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 policies G1, CC1, D1, A1 and A4 of the London Borough of Camden Local Plan 2017.

- 7 For the purposes of this decision, condition 7 of planning permission 2016/3829/P dated 21/12/2016 shall be replaced with the following condition:

REPLACEMENT CONDITION 7

The extract duct hereby approved shall be finished in a Grey powder coated colour finish (Hex colour specification #89898a), unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the appearance of the building and the character of the immediate area in accordance with the requirements of policies D1 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reason for granting planning consent:

The property is a 4 storey building with a basement level and a mansard roof containing a restaurant/bar at basement and ground floor levels and residential flats on the upper floors. 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.

Approval was granted in 2016 (2016/3829/P) for the replacement of an existing kitchen extract duct sited in a rear lightwell which rises up from basement to roof level. The proposed variation seeks to remove the existing external fan housed within this approved extract ducting and replace it with an internally housed Gigabox fan fixed on anti-vibration mounts located inside a basement level kitchen area, and which would filter any food odours by means of a carbon filter system within the approved existing extract ducting to discharge any odours at roof level.

The submitted information has been reviewed by the Council's Environmental Health Team, and it is considered that the revised specification would ensure that food odours arising from cooking would be adequately controlled and discharged in this amended arrangement such that odours and smells would not unduly harm the amenity of any residential occupiers of the building or in neighbouring properties. The submitted details, including anti-vibration measures, are also considered would ensure that any resultant external noise would be compliant with the Council's noise criteria so that the amenities of neighbouring premises would be safeguarded.

Any future proposal to install an external fan or additional plant or machinery would require the submission of a planning application. Nevertheless, in order to ensure that the current and future occupants of the premises operate in a

way that neighbouring residents and properties are protected from any potential harmful effects of noise and/or odours, a number of conditions remain attached as specified in the previous approval (2016/3829/P).

Approval is also sought for a change in colour of the extract duct. The original permission required that the extract duct should be finished in a powder coated grey brown colour. The applicant now seeks permission to alter this colour to grey (Hex colour specification #89898a). The proposal has already been implemented.

The grey colour is not uncommon on neighbouring buildings and within the wider area and it is therefore considered would harmonise with the character and setting of the host building and wider surroundings so as to moderate the impact of the extract flue. The extract duct is sited at the rear of the property and only the upper part is visible from public views in Netley Street to the south west and Everton Mews to the north west. As such, the change in colour would not harm the appearance of the building or wider streetscene, nor the nearby locally listed buildings, and would have no impact on the amenity of surrounding neighbours.

Overall, in design terms the proposed amendments are considered to be minor in nature and would preserve the character and appearance of the host property within the Euston Plan Area. The proposals are also considered to present no additional adverse impact on the amenity of the neighbouring residents and properties in terms of noise or odours, and are therefore acceptable.

The site's planning and appeals history has been taken into account when coming to this decision. One response has been received following statutory consultation and taken into consideration. This is outlined separately in the Consultation Summary.

As such, the proposed development is in general accordance with policies A1, A4, CC1, D1, G1, TC1, TC3 and TC4 of the Camden Local Plan 2017, policy 2 of the Euston Plan 2015, the London Plan 2016, and the National Planning Policy Framework 2019.

- 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.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

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, appearing to read 'DPope', is positioned above the printed name and title.

Daniel Pope
Chief Planning Officer