

Application ref: 2019/0230/P
Contact: Jaspreet Chana
Tel: 020 7974 1544
Date: 3 September 2019

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

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WEA Planning
Newcombe House
43-45 Notting Hill
London
W11 3LQ

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
New College Parade
Unit 4
Finchley Road
London
NW3 5EP

Proposal: Installation of flue ductwork and plant equipment on the rear elevation and lower ground floor

Drawing Nos: AJC-1327 01, AJC-1327 02, AJC-1327 03, AJC-1327 04, AJC-1327 05 Rev A, AJC-1327 06 Rev A, AJC-1327 07 and Noise Impact Assessment, Odour Risk Assessment Report JO353/1/F1, Kitchen extraction system pre and post clean photos.

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: AJC-1327 01, AJC-1327 02, AJC-1327 03, AJC-1327 04, AJC-1327 05 Rev A, AJC-1327 06 Rev A, AJC-1327 07 and Noise Impact Assessment, Odour Risk Assessment Report JO353/1/F1, Kitchen extraction system pre and post clean photos.

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

- 4 The cumulative sound level from the proposed external building services and fixed plant shall be 10dB below (15dB if tonal) the typical background sound level assessed at 1m outside the windows of the nearest dwelling at any time.

Reason: To ensure that the amenity of occupiers of the surrounding premises is not adversely affected by noise from mechanical installations/equipment, in accordance with Policy A4 of the Camden Local Plan 2017.

- 5 Following installation of all equipment and mitigation measures identified in the acoustic report, a validation noise assessment shall be undertaken in line with the methodology outlined in BS 41412:2014. A noise report demonstrating compliance with Condition No. 4 (above) shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that the amenity of occupiers of the surrounding premises is not adversely affected by noise from mechanical installations/equipment, in accordance with Policy A4 of the Camden Local Plan 2017.

- 6 The flue shall not operate past the hours of the restaurant being closed.

Reason: To ensure that the amenity of occupiers of the surrounding premises is not adversely affected by noise from mechanical installations/equipment, in accordance with Policy A4 of the Camden Local Plan 2017.

- 7 Before the use commences, the approved flue and plant shall be provided with acoustic isolation, sound attenuation and anti-vibration measures. All such measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations.

Reason: To prevent the transmission of noise and vibration throughout the building and or into any neighbouring premises, thus safeguarding the amenities of adjoining premises and the area generally in accordance with the requirements of policies A1, A4 of the London Borough of Camden Local Plan 2017.

- 8 The current use shall not proceed other than in accordance with the approved

Odour Risk Assessment dated 12th august 2019 reference: J0353/1/F1 and Noise Impact Assessment ref. 7347/SL dated November 2018 submitted as part of this planning application.

Reason: To safeguard the amenities of neighbouring properties from noise and odour in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

Informative(s):

1 Reasons for granting permission:

The subject site is part of a three storey building with a change of use approved in 1991 from retail to restaurant. The restaurant is on the ground and basement floors and residential accommodation is located on the two floors above. The restaurant previously had an existing fan and flue vent placed along the rear first floor wall that projected up. The existing flue has been replaced with a larger flue, which has a fan system placed to the lower ground floor by the stairs; and has ductwork installed to the whole length of the rear elevation with an extra section which projects over and above the existing parapet over the roof of the building to allow for the discharge of the flue upwards towards the roof of the building.

After conducting a site visit it became apparent that the proposed flue has already been put in place apart from the additional section which goes over the roof of the building. The flue is placed to the rear of the building and is to serve a pizza oven. The flue is replacing a flue which was existing with a larger duct shaft which spans the length of the building. Although the flue is longer in length it is confined to the rear elevation and can only be seen from partial views from the rear elevation. Although the additional flue ductwork would project over the roof by 3.6m it would still be set back from the front of the building by 7.5m, therefore it would not be visually prominent from the street. Given this and that it's a replacement of an existing flue to serve the restaurant, it is not considered it would have a detrimental impact on the character and appearance of the subject site or the surrounding area in regards to its size, design, scale or location.

In regards to the noise impact of the flue it is currently over the required 10 dB level and is causing noise nuisance to the surrounding neighbouring properties to the rear of the site. It is stated within the noise impact assessment that noise attenuators and an extension to the current flue which will extend 3m over the roof of the building is proposed to allow for the current noise to be reduced to the acceptable 10 dB level or below. Therefore with these measures to be carried out it is considered to improve the current noise situation on site and prevent further noise nuisance being caused to surrounding properties.

In order to make sure that the noise is in line with the required limit a condition would be placed on the subsequent planning decision for another noise assessment to be carried out after the installation of the proposed works has been carried out to check whether the development is in accordance with acceptable noise levels.

The odour risk assessment has identified that the restaurant would have a high risk rating with regard to odour effects. Regular maintenance of the ventilation system is also encouraged to ensure that it operates effectively, and continues to provide adequate mitigation against odour nuisance. It is concluded that there will not be a significant risk of odour impacts from the kitchen, provided that mitigation, as recommended within the odour risk assessment is installed to provide a high level of odour control on site. This would be controlled by way of conditions applied to the decision notice.

The proposed works would not result in any significant loss of residential amenity to the neighbouring properties from loss of light, overlooking or be overbearing.

Three objections have been received raising concerns in regards to noise and odour. These are in relation to the existing flue/noise rather than the proposal which has been put forward to address the concerns raised. Conditions are placed on the decision notice to help mitigate any impacts caused by noise and odour to the neighbouring properties. The site's planning history was taken into account in coming to this decision.

- 2 Therefore, it is considered that the proposed works would not significantly detract from the character and appearance of the subject building or the surrounding area. The proposal would be in general accordance with policies A1, A4, and D1 of the London Borough of Camden Local Plan 2017, as well as the London Plan 2016 and NPPF 2019.
- 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 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.
- 5 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

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 must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

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 written over a light grey rectangular background.

Daniel Pope
Chief Planning Officer