

Application ref: 2020/1601/P  
Contact: Kristina Smith  
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Date: 12 June 2020

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

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Design Extension  
Ap 53  
Peebles Court  
21, Whitestone Way  
Croydon  
CR0 4WJ

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted**

Address:

**3 Harben Parade  
Finchley Road  
London  
NW3 6JP**

Proposal:

Change of use from print shop (A2) to cafe (A3) at lower and upper ground floor levels and associated installation of extraction equipment to rear .

Drawing Nos: E100, E101, E102, E103, E104, E105, Design and Access statement, Controlling Emissions from Restaurant and Commercial Cooking Processes Grease Smoke and Odour Control

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 The development hereby permitted shall be carried out in accordance with the following approved plans: E100, E101, E102, E103, E104, E105, Design and Access statement, Controlling Emissions from Restaurant and Commercial Cooking Processes Grease Smoke and Odour Control

Reason:

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

- 3 The external noise level emitted from plant, machinery or equipment with specified noise mitigation at the development 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 neighbouring noise sensitive receptors in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 4 Prior to use of extract system and ducting at the development, it 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 safeguard the amenities of neighbouring noise sensitive receptors in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 5 The installation, operation and maintenance of the odour abatement equipment and extract system shall be carried out in accordance with the 'Guidance on the assessment of odour for planning 2018 by the Institute of Air Quality Management.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by cooking odour in accordance with policy A1 of the Camden Local Plan 2017.

- 6 Details of a suitable cleaning schedule and/or maintenance contract for the extract and odour control system shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be implemented prior to first use of the extraction 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 smell, steam and other effluents in accordance with policy A1 of the Camden Local Plan 2017.

Informative(s):

1 Reasons for granting permission.

The application seeks to change the use of the ground floor unit from a print shop (use class A2) into a café (use class A3). The site is located within the primary frontage of Finchley Road/ Swiss Cottage town centre. Within such frontages, CPG Town centres resists A1 retail uses falling below 75%; however, there is no such protection afforded to A2 uses. The CPG also resists more than 20% of uses within a frontage to be in A3/A4/A5 uses. The café would become the fifth A3/A4/A5 use within the frontage of 31 units and so would not result in the proportion of such uses exceeding 20%.

No alterations to the shopfront are proposed. Separate Advertisement Consent would need to be applied for to display new signage.

It is proposed to install an extractor unit to the rear of the restaurant. The Council's Environmental Health officer has reviewed the proposal and has commented that the extraction system proposed will be of an ESP system that in theory prevents odour and has a limited noise output. The system has satisfactory extract velocity given the size of kitchen and cooking type and since the noise should be limited an acoustic assessment is not required in this instance. Notwithstanding, conditions will be attached to control noise as well as odour to ensure there are no adverse impacts on amenity.

No objections have been received prior to making this decision. The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies TC2, TC4, A1, A4 and D1 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2016, London Plan (Intend to publish) 2019 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 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 4 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.

- 5 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).

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



Daniel Pope  
Chief Planning Officer