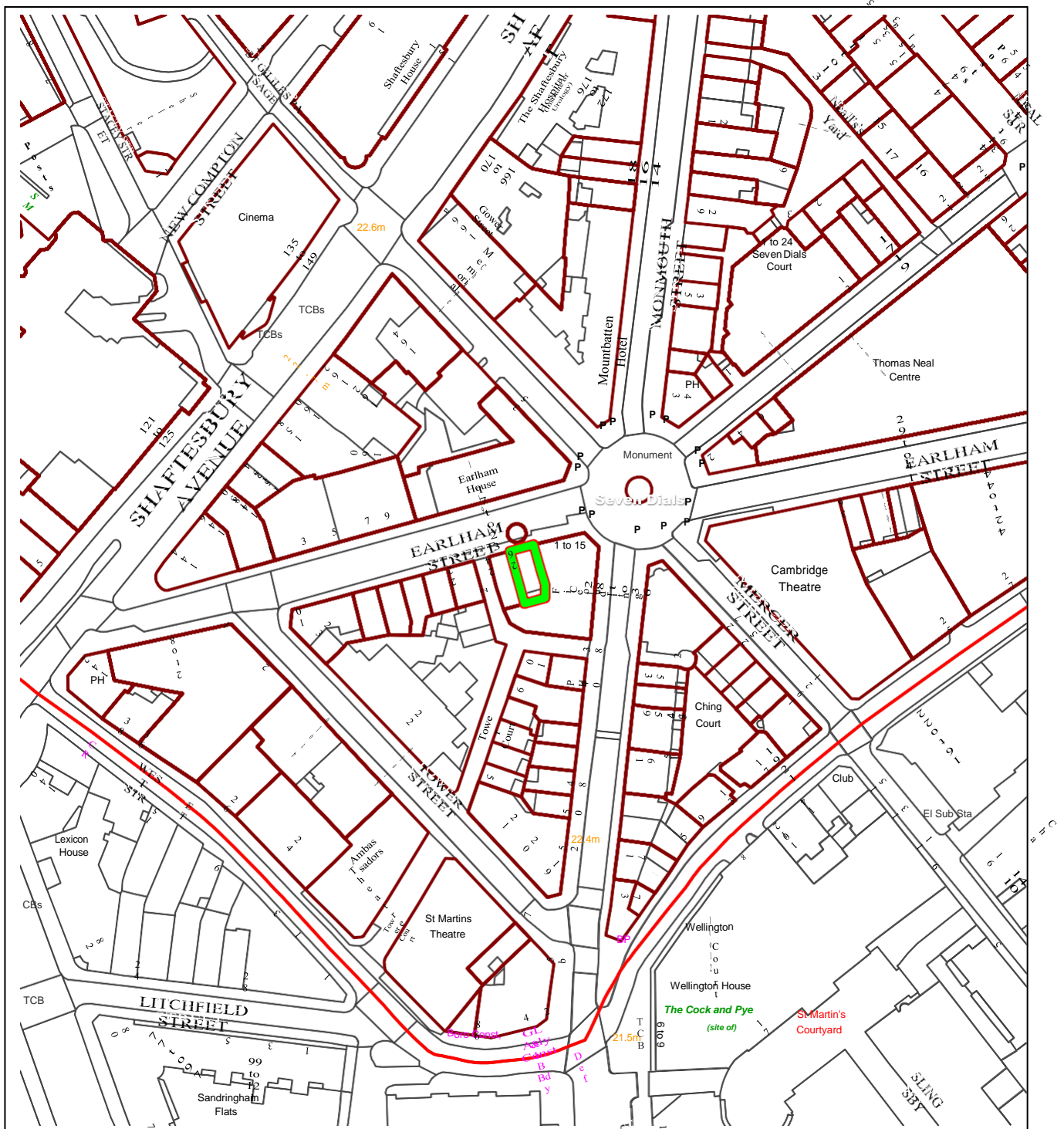
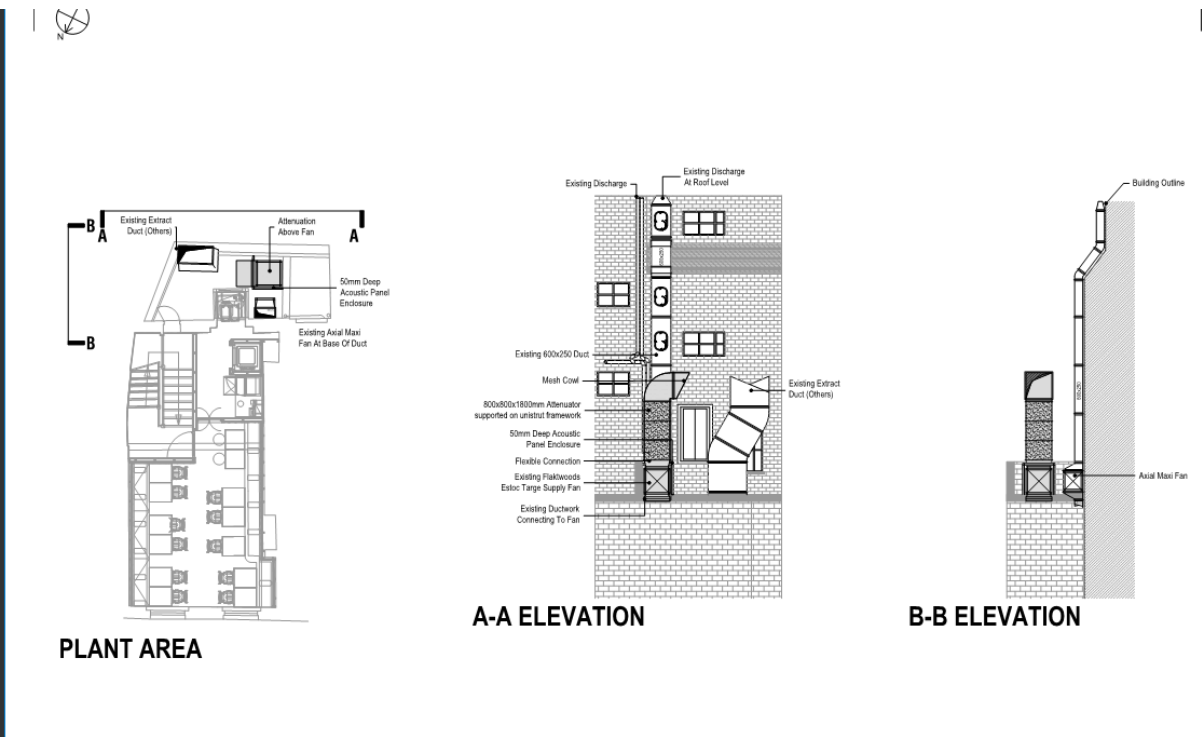


26 Earlham Street, London, WC2H 9LN

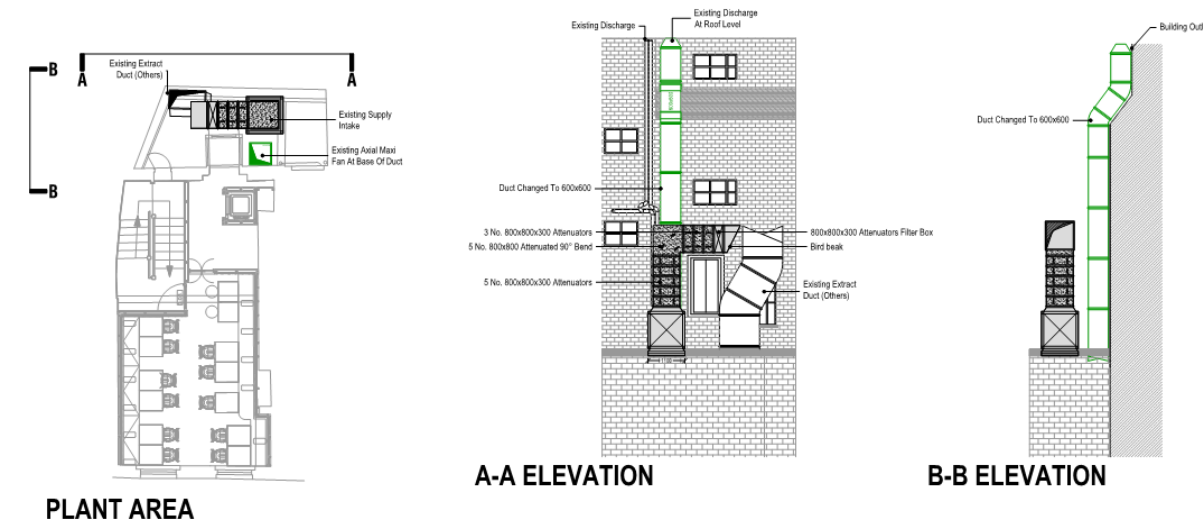


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Existing and proposed plans and site photographs



1. Existing layout



2. Proposed layout

Photographs of the Rear Plant Area (Prior to 2019 Works)



5. Photos of existing plant equipment

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	15/09/2020
		N/A		Consultation Expiry Date:	20/09/2020
Officer			Application Number(s)		
Josh Lawlor			i) 2020/3244/P ii) 2020/3727/L		
Application Address			Drawing Numbers		
26 Earlham Street London WC2H 9LN			See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Planning - Installation of replacement plant and attenuation to rear elevation and lightwell Listed building consent - Installation of replacement plant and attenuation internally to ground floor and external rear elevation and lightwell					
Recommendation(s):		i) Grant conditional permission and warning of Enforcement Action ii) Grant Listed building consent and warning of Enforcement Action			
Application Type:		i) Full Planning Permission ii) Listed Building Consent			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	0	No. of objections	0
Summary of consultation responses:	One site notice was displayed outside the site on 21/08/2020 (expiring 14/09/2020) No comments or objections were received					
Covent Garden Community Association (CGCA)	<p>A letter was sent to the Covent Garden Community Association (CGCA) on the 09/08/2020. The CGCA state these comments should be interpreted as an OBJECTION, subject to planning conditions being attached to any consent that would make it acceptable. It is noted that the</p> <p>1. The existing extraction equipment used by the applicant in this location had no planning permission until May last year, and has continued to be problematic. Residential neighbours had been complaining for a long time about the nuisance caused by noise and vibration. This disturbance can lead to families moving away, which is deeply unfair to them and damages the community. The fact that the applicant did not engage with change more rapidly with the issues makes it even more important that enforceable conditions are attached to any consent for new equipment, to avoid future repetition of such problems.</p> <p>2. In this location it would be preferable to all parties if no part of the premises' extraction equipment were located outside the building. The restaurant could instead use a recirculating extraction system. A number of these now operate within other A3 premises in the Covent Garden area. An example of a supplier is found here: https://www.premierrestaurantengineering.co.uk/canopyairrecirculationextra.html. We believe that recirculating extraction systems should be used throughout Camden's conservation areas. External systems are out-of-date and neither preserve nor enhance a conservation area.</p> <p>3. If Officers are nevertheless minded to give permission for new external plant at this location, we would ask for conditions to be attached along these lines:</p> <p>1. Hours of use</p> <p>All equipment to be turned off outside the hours at which the premises are open to the public, but in any case not to operate outside the time window of 9am to 10pm each day. Equipment to have an automatic timer to achieve this.</p> <p>2. Noise</p> <p>No sound from operation of the equipment to be audible at any point on or in surrounding properties. (The reason for this, in addition to the standard condition for 1dB below background, is that in the case of these confined 'chimney' spaces, we have found that there can be significant noise reflection and conduction, leading to sound levels actually being louder closer to a facade, or even behind it).</p> <p>3. Vibration</p>					

No vibration from operation of the equipment to be discernible at any point on or in surrounding properties.

4. Odours

No odour from the premises to be discernible at any point on or in surrounding properties.

(Mechanical testing for odour is fraught with difficulty. We have had residents feel very sick, day after day, because of the smell of cooking from restaurant extraction systems elsewhere in Seven Dials. Yet in all those cases the EH officers were unable to achieve calibrated readings sufficient to show nuisance. In one case a couple had to move house just as they were preparing to have a baby, in another case it compounded the distress of an elderly lady suffering from cancer who was unable to move house.)

5. Maintenance

A deep clean and maintenance check of the full system to be carried out at least every 3 months by an independent contractor, and the logbook for this to be made available to neighbouring residents.

(The need to maintain equipment can become a low priority for operators. Yet it is always better to prevent problems rather than trying to deal with them after they have started - which was the distressing situation that neighbours had to deal with at this site from 2018 to 2019. Quarterly checks are recommended industry standard. Regular cleaning also reduces the risk of fire.)

Officer response to points 1-3 above:

1. *See Background and Amenity sections of this report*
2. *Officers did request the applicant to justify why a re-circulating system was not feasible. It was stated that a recon air system suitable for a restaurant of this size would require a substantial piece of plant would not be able to be installed and maintained internally due to space constraints and limited ceiling height. An internal system would not result in any substantial reduction in the amount of plant overall given that adequate filtration is required. The air supply system would still need to be accommodated within the lightwell. Such an installation would also require major works to upgrade the electrical supply to the building and electrical equipment. The restaurant uses gas rather than electric and requesting an upgrade to electric is considered unreasonable in this instance.*
3. *The Councils Environmental Health Officer has commented on the suggested conditions from the CGCA. A comment is provided in response to the suggested conditions:*
 1. **Hours of use** *Hours of use conditions are usually applied to change of use applications, not for replacement of plant equipment. However a condition requiring automatic time clocks to be fitted to the equipment/machinery is recommended. This would ensure that the plant/equipment does not operate outside the hours of 9:00am and 12:00am, which would respect the amenity and the vitality and viability of the use of the application site. The timer equipment shall thereafter be permanently retained and maintained and retained in accordance with the manufacturer's recommendations.*
 2. **Noise** *There are limits to noise that were agreed with the EHO plus compliance to the Local Plan. The suggested noise condition cannot be agreed. The limits of the condition would come down to primary legislation and nuisance which can be dealt with by environmental health and not planning. However, a noise condition would be added to ensure that the noise levels are in line with the requirements of the Local Plan.*

3. **Vibration** A condition requiring anti-vibration isolators and fan motors has been recommended, see decision notice

4. **Odour**, The suggested condition would be deemed as onerous and is covered by EH legislation. There is no calibrated test in law for odour and is covered by nuisance legislation. However an odour abatement condition has been recommended, please refer to the decision notice.

5. **Maintenance**, A maintenance condition has been recommended which shall require details of a suitable cleaning schedule and/or maintenance contract for the intake and extract systems and odour control system. The approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

6. **Post installation test** A condition is attached details to be submitted to and approved of the external noise level emitted from plant/ machinery/ equipment and mitigation measures as appropriate in order to comply with the local plan noise criteria. A post installation noise assessment shall be carried out as required to confirm compliance with the noise criteria and additional steps to mitigate noise shall be taken, as necessary. The approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Site Description

No. 26 Earlham Street is a three storey, mid terrace, brick building with accommodation in the roof space on the southern side of the road. The existing restaurant occupies the whole of 26 Earlham Street. The kitchen is located in the basement; the restaurant occupies the ground floor to the second floor, with an ancillary living accommodation/office for the restaurant on the upper floor. The location for this plant and equipment is a lightwell directly behind a block of 14 flats called Fielding Court at 28 Earlham Street. The building frontage features a fascia above a central entrance door and display windows at the ground floor level. The upper floors feature cream- painted brickwork. The roof dormer is partially visible from the street level.

The application building and its neighbour to the west (No. 24) are Grade II listed. The application site is within the Seven Dials Conservation Area. The application site is within the designated Covent Garden Central London Local Area.

Relevant History

No. 26 Earlham Street

9200728 & 9270142 Installation of a traditional retractable canvas canopy to the front elevation Granted 08/07/1993.

9070078 Internal alterations involving demolition of partition removal of existing stairs and erection of new stairs Grant Listed Building or Conservation Area Consent 19/07/1990.

2019/1307/P Installation of replacement plant and attenuation to the flat roof at first floor level within the enclosed rear lightwell. 22/05/2019

2019/1440/L External alterations in connection with the installation of replacement plant and attenuation to the flat roof at first floor level within the enclosed rear lightwell. 22/05/2019

Enforcement History

EN17/1124 Non-compliance with conditions 4 and 5 attached to 2019/1307/P.

Breach of condition notice served 16/01/2020

Restaurant closed to address breach of conditions and will only reopen if Council standards achieved. Below case to monitor ref. EN20/0224.

EN20/0224 Extract fan and box installed at rear. 11/03/2020

Restaurant closed. Noisy equipment was subject to prosecution proceedings which were put on hold by closure. Respective professional teams of applicant and complainant working through proposals for replacement plant via planning application.

Relevant policies

National Planning Policy Framework 2019

The London Plan 2016

The London Plan (Intend to publish) 2019

Camden Local Plan (2017)

G1 Delivery and location of growth

A1 Managing the Impact of Development

A4 Noise and Vibration

D1 Design

D2 Heritage

TC1 Quantity and location of retail development

TC2 Camden's centres and other shopping areas

TC4 Town centre uses

Camden Planning Guidance (CPG):

CPG Design (updated March 2019)

CPG Amenity (September 2011 updated March 2018)

Assessment

1. Background

- 1.1. The proposal is seeking permission to install a replacement air handling unit on the flat 1st floor roof within the enclosed rear lightwell. The application has been submitted in response to an enforcement case opened under reference: EN17/1124 and EN20/0224 following a complaint for noise, vibrations, odours and reverberation through the lightwell.
- 1.2. A planning contravention notice was issued by the Council on 18 October 2018. The notice alleged that there was a breach in planning regulations relating to the plant permitted at the site. Following the subsequent (part) implementation of permission ref 2019/1307/P and 2019/1440/L a Breach of Condition Notice was issued on 22/01/2020 alleging the breach of conditions 4 (noise) and 5 (anti-vibration isolators). The existing plant equipment has been installed not in accordance with the approved application. Enforcement Officers have warned of prosecution procedures. This application attempts to remedy the currently unauthorized plant equipment which is causing harm to neighboring residential amenity.

2. Proposal

- 2.1. The application seeks planning permission for the installation of a replacement extract system with new ductwork and attenuation. The proposed ventilation system would consist of a kitchen extract fan and an intake unit. These systems are located to the south of the restaurant in a lightwell. The intake for the air handling unit would be at ground level. The fan would be relocated inside the building, along with the required attenuation. The kitchen extract discharge is to be replaced and ducted to the roof of the building to discharge at roof level, discharging in a similar location to the existing system.

3. Revisions

- 3.1. The applicant's noise consultants have been in discussion with a neighbour's noise consultants. This informed the following revisions:
- The proposal now includes the installation of an attenuator with enhanced performance to the external lightwell area.

4. Assessment

- 4.1. The principal considerations material to the determination of this application are as follows:
- The effects upon the character and appearance of the host Grade II Listed Building, and surrounding Conservation Area (Design and Heritage)
 - The effects on the residential amenities of neighbouring occupiers in terms of noise, odour, overlooking and loss of light.

5. Design and Heritage

- 5.1. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area. Policy D2 seeks to preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas.
- 5.2. Camden Planning Guidance CPG Design (2019) emphasises that in assessing applications for listed building consent we have a statutory requirement to have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. We will consider the impact of proposals on the historic significance of the building, including its features, such as:
- Original and historic materials and architectural features (historic fabric);

- Original layout of rooms (plan form);
- Structural integrity; and
- Character and appearance

- 5.3. The replacement equipment would sit on a flat roof within the rear lightwell in the same location as the existing. There would be new ducting installed within the ground floor unit, in place of existing seating for the restaurant. In terms of size, the new installation would be larger than existing. It is acknowledged that the lightwell is fully enclosed and the area is not visible from the public realm nor are there any residential windows on the side and rear elevations directly surrounding the flat roof area. The overall character and appearance of the rear lightwell would not significantly change when compared with the 2019 permissions, although there is additional harm to the listed building. The additional plant equipment would not result in the loss of historic fabric or plan form, but it is an alien addition which is out of character with the original form of the building. However the equipment would be an installation that could be reversed at a later date and therefore not cause irreconcilable harm to the listed building.
- 5.4. Paragraph 196 of the NPPF (2019) states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. The additional bulk of the plant equipment would constitute less-than-substantial harm to the significance of the designated heritage asset. The plant equipment would be an intrinsically unsympathetic addition to the host listed building. However it serves an important purpose and the planning benefits to neighbouring residential amenity in this instance outweigh the harm identified. It is noted that there would be no harm to the non-designated heritage asset (conservation area) given the limited visibility of the plant equipment.
- 5.5. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area and special regard has been attached to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses, under s.66 and s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

6. Residential Amenity

- 6.1. Policy A1 of the Camden Local Plan seeks to protect the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of residents. This includes factors such as privacy, outlook, implications to natural light, artificial light spill, as well as impacts caused from the construction phase of development. Policy A4 states that the Council will seek to ensure that noise and vibration is controlled and managed. Development should have regard to Camden's Noise and Vibration thresholds. We will not grant planning permission for development likely to generate unacceptable noise and vibration impacts.

Noise

- 6.2. The area surrounding the site is mixed residential and commercial in use. The nearest noise sensitive property to the plant is identified as the flat located on the upper floor of 24 Earham Street. The only window in close proximity belongs to the host building which operates as a restaurant from ground to second floor level.
- 6.3. A noise impact assessment has been submitted in support of the application. The appropriate noise guidelines have been followed within the report such as Noise Policy Statement for England, National Planning Policy Framework (NPPF), Planning Practice Guidance on Noise, Camden Council's Local Plan 2017 and BS 4142:2014. The results of the assessment indicate that the cumulative levels of all the restaurants (Rosa Thai) plant equipment, i.e. the intake and extract fan, would be within the criteria agreed with Local Plan noise and vibration thresholds and therefore, subject to the standard noise condition is acceptable in environmental health terms. Conditions shall ensure the ongoing compliance with the Council's noise levels and also that the equipment is installed on anti-vibration mounts and time clocks to ensure they do not operate 24 hours.

Odour

- 6.4. The subtext to Policy A1, para 6.21 states odours, fumes and dust can be generated from commercial

cooking, industrial process have the potential to cause a range of health problems, including respiratory disease. We will require all development likely to generate nuisance odours to install appropriate extraction equipment and other mitigation measures.

6.5. A condition is recommended requiring the submission of details of the installation, operation, and maintenance of the odour abatement equipment and extract system in accordance with the 'Guidance on the assessment of odour for planning 2018 by the Institute of Air Quality Management. An additional condition is recommended to require details of a suitable cleaning schedule and/or maintenance contract for the extract system and odour control system. The approved maintenance schedule would need to be implemented prior to occupation of the development and thereafter be permanently retained. This is in order to ensure the extract and odour system is maintained throughout the lifetime of development.

7. Conclusion

7.1. The proposed development is considered acceptable in terms of design, heritage and impact on neighbouring residential amenity. The development is deemed consistent with the objectives and policies identified above. It is considered that the existing plant is required to be removed and the recommendation is to warn of enforcement action if the existing equipment is not removed within 4 weeks to ensure the nuisance to neighbours is resolved as quickly as possible.

8. Recommendations

5.1 Grant planning permission and LB consent with warning of enforcement action

5.2 ENFORCEMENT ACTION TO BE TAKEN

The Council expects the existing air intake equipment to be disconnected and removed within no more than four weeks from the date of this decision. Should these works not take place within this timeframe the Director of Culture and Environment will instruct the Borough Solicitor to issue an Enforcement Notice alleging a breach of planning control.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 7th December 2020, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Application ref: 2020/3727/L
Contact: Josh Lawlor
Tel: 020 7974 2337
Email: Josh.Lawlor@camden.gov.uk
Date: 2 December 2020

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

Firstplan
Firstplan
Broadwall House
21 Broadwall
London
SE1 9PL
United Kingdom

DRAFT

Dear Sir/Madam

DECISION

Planning (Listed Building and Conservation Areas) Act 1990

Listed Building Consent Granted and Warning of Enforcement Action

Address:
26 Earlham Street
London
WC2H 9LN

DECISION

Proposal:

Installation of replacement plant and attenuation internally to ground floor and external rear elevation and lightwell

Drawing Nos: 420A_PL_GA_01, 001-612-01-D, 001-612-02-C, 001-612-03-C, 001-612-04-B

The Council has considered your application and decided to grant subject to the following condition(s):

Conditions And Reasons:

- 1 The works hereby permitted shall be begun not later than the end of three years from the date of this consent.

Reason: In order to comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 420A_PL_GA_01, 001-612-01-D, 001-612-02-C, 001-612-03-C, 001-612-04-B, J8013627-A

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the Camden Local Plan 2017.

- 3 All new work and work of making good shall be carried out to match the existing adjacent work as closely as possible in materials and detailed execution.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the Camden Local Plan 2017.

Informative(s):

- 1 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).
- 2 You are advised that any works of alterations or upgrading not included on the approved drawings which are required to satisfy Building Regulations or Fire Certification may require a further application for listed building consent.
- 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 ENFORCEMENT ACTION TO BE TAKEN

The Council expects the existing air intake equipment to be disconnected and removed within no more than two weeks of this decision. Should these works not take place within this timeframe the Director of Culture and Environment will instruct the Borough Solicitor to issue an Enforcement Notice alleging a breach of planning control.

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

Chief Planning Officer

DRAFT

DECISION

Application ref: 2020/3244/P
Contact: Josh Lawlor
Tel: 020 7974 2337
Email: Josh.Lawlor@camden.gov.uk
Date: 2 December 2020

Development Management
Regeneration and Planning
London Borough of Camden
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planning@camden.gov.uk
www.camden.gov.uk

Firstplan
Firstplan
Broadwall House
21 Broadwall
London
SE1 9PL
United Kingdom

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted and Warning of Enforcement Action

Address:
26 Earlham Street
London
WC2H 9LN

Proposal:
Installation of replacement plant and attenuation to rear elevation and lightwell
Drawing Nos: 420A_PL_GA_01, 001-612-01-D, 001-612-02-C, 001-612-03-C, 001-612-04-B, J8013627-A, Plant noise commissioning test ref. 88299 dated 12/02/2020, Noise impact assessment ref. 88299 dated 07/05/2020

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 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 420A_PL_GA_01, 001-612-01-D, 001-612-02-C, 001-612-03-C, 001-612-04-B, J8013627-A, Plant noise commissioning test ref. 88299 dated 12/02/2020, Noise impact assessment ref. 88299 dated 07/05/2020

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

- 4 Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 15dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 5 Prior to use, machinery, plant or equipment and 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 for the lifetime of the development.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 6 Prior to commencement of the use, 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 in accordance with the 'Guidance on the assessment of odour for planning 2018 by the Institute of Air Quality Management'. Approved details shall be implemented prior to the commencement of the use and thereafter be permanently retained.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 of the London Borough of Camden Local Plan 2017.

- 7 Prior to use of the development, details shall be submitted to and approved in writing by the Council, of a suitable cleaning schedule and/or maintenance contract for the intake and extract systems and odour control system. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 of the London Borough of Camden Local Plan 2017.

- 8 Prior to use of the development, details shall be submitted to and approved in writing by the Council, of the external noise level emitted from plant/ machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the lowest existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. A post installation noise assessment shall be carried out as required to confirm compliance with the noise criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 of the London Borough of Camden Local Plan 2017.

- 9 Prior to the commencement of the use of the plant equipment, automatic time clocks shall be fitted to the equipment/machinery hereby approved, to ensure that the plant/equipment does not operate outside 9:00am and 12:00am. The timer equipment shall thereafter be permanently retained and maintained and retained in accordance with the manufacturer's recommendations.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, D1, A1, TC1, TC2, TC4 and A4 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 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).
- 2 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.

- 3 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.

4 ENFORCEMENT ACTION TO BE TAKEN

The Council expects the existing air intake equipment to be disconnected and removed within no more than four weeks from the date of this decision. Should these works not take place within this timeframe the Director of Culture and Environment will instruct the Borough Solicitor to issue an Enforcement Notice alleging a breach of planning control.

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

Chief Planning Officer