

Application ref: 2019/0259/P
Contact: Ben Farrant
Tel: 020 7974 6253
Email: Ben.Farrant@camden.gov.uk
Date: 27 January 2021

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

Sanli Design Ltd.
28 Cobham Close
Wallington
SM6 9DS
United Kingdom

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted

Address:

178 Kilburn High Road
London
NW6 4JD

Proposal:

Variation of condition 3 (approved plans) of planning application 2017/0383/P dated 26/04/2017 for 'Change of use from class A1 (Coffee Shop) to class A3 (Restaurant). Erection of ventilation duct fixed on right side of exterior elevation up to roof and installation of fire exit door on the right side elevation', namely to amend the siting and design of extract duct, and amend front access door.

Drawing Nos:

Superseded:

A-103 Rev A, A-104 Rev A, A-105 Rev A, A-105A Rev A, A-106 Rev A, A-107 Rev A, A-108 Rev A, A-109 Rev A, & Noise Impact Assessment IB1512161NR 23/12/2016.

Amended:

SD/2018/TexAnn-K4, SD/2018/TexAnn-K5, Noise Impact Assessment by Peak Acoustics Ref: IB1512161NR dated 07/03/2019 & Technical Memo by Anderson Acoustics Ref: 4870-002M_1-0_AG dated 12/11/2020.

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 the original permission ref: 2017/0383/P dated 26/04/2017.

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 For the purposes of this decision, condition 3 (approved plans) of planning permission 2017/0383 dated 26/04/2017 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: Location Plan, PL2351, A-102 Rev A, & A-102A Rev A. SD/2018/TexAnn-K4, SD/2018/TexAnn-K5, Noise Impact Assessment by Peak Acoustics Ref: IB1512161NR dated 07/03/2019, & Technical Memo by Anderson Acoustics Ref: 4870-002M_1-0_AG dated 12/11/2020.

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

- 4 No music shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.

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 The use hereby permitted shall not be carried out outside the following times 07:00 to 23:30 Mondays to Sundays and Bank Holidays.

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

- 6 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.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration in accordance with

the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 7 Prior to the commencement of the relevant part of the development, details of the kitchen extraction system including: hoods, ducting, abatement techniques, filters, fans, noise attenuators, and the exhaust vent/ducting in close proximity to habitable rooms shall be shown on plans submitted to and approved in writing by the Local Planning Authority. Details of the proposed scheme shall include a risk assessment and comply with Odour Control Best Practice specified by 'EMAQ "Control of Odour and Noise from Commercial Kitchen Exhaust Systems 2018." and be permanently retained thereafter.

Reason: To safeguard occupiers of neighbouring premises and the area in general from loss of amenity by reason of odour nuisance, and comply with the requirements of policy A1 of the London Borough of Camden Local Plan 2017.

- 8 Before the use commences the cumulative plant noise levels from all fixed plant associated with the application site, when at a point 1m external to the nearest noise sensitive residential facades shall be at least 10 dB(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 is distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses(bangs, clicks, clatters, thumps), then the noise levels from the plant/equipment at any sensitive façade shall be at least 15 dB(A) below background noise level.

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.

Informative(s):

- 1 Reasons for granting permission:

The site is within the Kilburn Town Centre and in a Primary Shopping Frontage. An external flue is proposed to the side elevation (at ground floor to roof levels).

Planning permission was granted on the site (ref: 2017/0383 dated 26/04/2017) for 'Change of use from class A1 (Coffee Shop) to class A3 (Restaurant). Erection of ventilation duct fixed on right side of exterior elevation up to roof and installation of fire exit door on the right side elevation'. The change of use has taken place, saving the consent. This application proposes to amend the siting of the extract flue which runs from ground floor to roof level at the side elevation, and replace the existing front access door at ground floor level.

The extraction duct was previously approved on the grounds that whilst it ran the full height of the building, it was well located to minimise the harm to the host and neighbouring properties. The ductwork as approved was setback from the street by 7.2m and was a discreet black colour. The flue proposed here would be in a similar siting to that previously approved, and again would be set

back from the front elevation a minimum of 7.2m and would be finished in black. It is considered that the alteration would be minor and would not result in harm to the character and appearance of the property or surrounding area. Similarly the alteration to the glazed front access door would be minor and would not result in harm to the character and appearance of the property or surrounding area. Overall the external changes are considered acceptable in terms of design and appearance.

The application has been supplemented by a Noise Impact Assessment which the Environmental Health (Noise) team has considered acceptable subject to the attached conditions. Given the siting, scale and design of the proposed flue, it would be further away from the adjacent first floor side window, and is considered not to result in undue harm to neighbouring amenity in terms of daylight/sunlight or outlook.

One objection was received requesting the flue to be made black rather than aluminium. A black finish is proposed to the flue which is considered to be acceptable. The site's planning history was taken into account in coming to this decision.

As such, the proposed development is in general accordance with policies D1, A1, and A4 of the London Borough of Camden Local Plan 2017, The Publication London Plan 2020, and the NPPF 2019.

- 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 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).

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