

# PLANNING and STATEMENT

proposed installation of replacement kitchen ventilation system at  
4 New College Parade,  
for Tony`s Pita Ltd



March 2021

<b>Contents</b>	<b>page</b>
<b>1.0 SCENESETTING</b>	
a. Introduction	1
b. Site and Surroundings	2
c. Tony`s Pita	3
<b>2.0 THE EXISTING SITUATION</b>	4
<b>3.0 OUTCOMES OF THE PRE-APPLICATION ENGAGEMENT</b>	6
<b>4.0 ADDITIONAL MATERIAL AS PART OF THE PLANNING APPLICATION</b>	9
<b>5.0 ASSESSMENT IN THE LIGHT OF RELEVANT PLANNING POLICY</b>	
a, London Borough of Camden Local Plan 2017	10
b, National Planning Policy Framework and London Plan	13
<b>6.0 CONCLUSIONS</b>	13

## **Appendices**

- One Summary of Relevant Planning History**
- Two Planning Application Material**

## 1.0 SCENESETTING

### a. Introduction

- 1.1 This application for the installation of replacement kitchen ventilation plant in the form of a fresh air intake system and a dirty air extraction system follows new application engagement with the London Borough of Camden , the local planning authority ('the LPA')
- 1.2 Considering the complaints of property owners and tenants regarding the existing evacuation system, this new application was made with the improvements made in the system and this application was made to get permission from the London Borough of Camden.



*Picture 1: Tony`s Pita*

## **b. Site and Surroundings**

- 1.3 The subject property, see photograph 1 above, is situated on the east side of Royal Parade between the South Hamstead and the Swiss Cottage, which is this property. It is part of a terrace of properties with shops and services on the ground floor and residential over at numbers 1-8 (inclusive) Harben Parade.



*Picture 2. Harben Parage*



#### 1.4 c. Tony`s Pita

Tony's Pita is a greek traditional Restaurant in Swiss Cottage area, London. . Tony's pita is a family run restaurant with Mediterranean cuisine and atmosphere. Fresh and homemade food cooked in a charcoal grill, gyros, salad and other traditional Greek meals is served every day.



*Picture 3. Pita*



*Picture 4. Greek doner*

## 2.0 THE EXISTING SITUATION

- 2.1 The business has been served by an extraction system over recent years, which is unsightly, although there are limited public views from this, these being available only from flats above and either side of the subject property. that runs behind numbers 1-8 Harben Parade. **Picture 5** below illustrates this.



*Picture 5 : Back view of building*

2.2 The existing ventilation system comprises two extraction and ventilation ducts on the rear wall. The problem is while the system has work create vibration and makes eco because of the location of the fan. that kind of problem impact through to flats, in the extra thing is the system does not have any filtration equipment for there the system creates an odour problem. The owner of all property and flat owners kindly agreed to move the system above to roof while improving the system by adding additional silencers and filtration equipment.



*Picture 6: The existing system located under the entrance of flats*

### 3.0 OUTCOMES OF THE PRE-APPLICATION ENGAGEMENT

- 3.1 The following extracts of the pre-application advice provide further context for the planning application proposal. Responses on behalf of the applicant are inserted where appropriate.

#### Summary

The revised design put forward overcomes the previous reasons for complaints in design terms. This is because moving the new system above to roof. While like that we will be able to kill the odour problem, eliminate the vibration and the noise problems.

However, further information is still required to demonstrate compliance with noise and odour regulations in order to fully overcome the other reason for the proposal having a detrimental impact on neighbour amenity. At full application stage, the following additional details will be required to fully assess the impacts of the proposal:

- Details to demonstrate the ESP has been correctly specified together with carbon filtration to demonstrate sufficient dwelling time
- A site specific maintenance schedule
- Formal acoustic assessment in accordance with Table 2 of the Development Control for Noise Generating and Noise Sensitive Development SPG



#### **4.0 ADDITIONAL MATERIAL AS PART OF THE PLANNING APPLICATION**

4.1 Details to demonstrate the ESP has been correctly specified together with carbon filtration to demonstrate sufficient dwelling time are provided within the Design and Specification of Extraction Ventilation System prepared by Eral Metal Ltd and in the Specification and Maintenance Report prepared by Eral Metal Fabrication Ltd. The latter sets out a site specific maintenance schedule.

4.2 The Sound Licensing Ltd has prepared Environmental Noise Assessments of the replacement kitchen ventilation plant in accordance with Table 2 of the 'Development Control for Noise Generating and Noise Sensitive Development' supplementary planning document ('the SPD'). This has been informed by an environmental noise survey undertaken in order to establish the existing mechanical plant noise and the prevailing ambient and background noise levels in the vicinity of the subject premises.

4.3 Based on analyses of the measurement data, environmental noise emission design targets have been determined in accordance with the London Borough of Camden planning policy guidelines, in particular the SPD.

The cumulative environmental noise emissions due to the operation of the proposed replacement kitchen ventilation plant have been assessed based on manufacturer's noise data and allowing for:

- 4.4
- i. The proposed noise mitigation measures: and, where appropriate,
  - ii. The 'natural' acoustic screening afforded by the building roofline of the subject premises.

- 4.5 The ENA report concludes that noise emissions due to the operation of the proposed replacement kitchen ventilation plant should comply fully with relevant national and local planning policy, in particular the relevant guidance given within the Supplementary Planning Document 'Development Control for Noise Generating and Noise Sensitive Development', provided that the plant is fitted with suitable noise mitigation measures as detailed within the ENA report. Furthermore, there will be an associated 'planning gain' (benefit) in that the noise emissions from the existing roof-mounted mechanical plant items will be removed as a consequence of these plant items being removed and the replacement plant being installed within the subject premises.
- 4.6 The noise mitigation measures are described at paragraph 5.3 of the ENA report which stipulates that it will be necessary for the replacement kitchen extract and fresh air ventilation fans to be fitted with suitable duct attenuators (silencers).

## **5.0 ASSESSMENT IN THE LIGHT OF RELEVANT PLANNING POLICY**

### **a, London Borough of Camden Local Plan 2017**

- 5.1 The pre-application advice identified the following six policies of the Local Plan relevant to the assessment of the development proposed.

#### **Policy LP 1: Local Character and Design Quality**

*The Council will require all development to be of high architectural and urban design quality. The high quality character and heritage of the borough and its villages will need to be maintained and enhanced where opportunities arise. Development proposals will have to demonstrate a thorough understanding of the site and how it relates to its existing context, including character and appearance, and take opportunities to improve the quality and character of buildings, spaces and the local area.*

*To ensure development respects, contributes to and enhances the local environment and character,*

### **Policy LP 3: Designated Heritage Asset**

*The Council will require development to conserve and, where possible, take opportunities to make a positive contribution to, the historic environment of the borough. Development proposals likely to adversely affect the significance of heritage assets will be assessed against the requirement to seek to avoid harm and the justification for the proposal. The significance (including the settings) of the borough's designated heritage assets, encompassing Conservation Areas,*

### **Policy LP 4: Non-Designated Heritage Assets**

*The Council will seek to preserve, and where possible enhance, the significance, character and setting of non-designated heritage assets, including Buildings of Townscape Merit, memorials, particularly war memorials, and other local historic features.*

- 5.2 The existing kitchen ventilation system is at relatively high level and is visually obtrusive. Although the locations from which it is visible are extremely limited, the proposed kitchen ventilation system will reduce visual impact substantially. It will affect a small, but material improvement to the character and appearance of the Swiss Cottage Area. Consequently, it is considered that the proposed development accords with the

requirements of Policies LP1, LP3 and LP4 of the Local Plan.

### **Policy LP 8: Amenity and Living Conditions**

*All development will be required to protect the amenity and living conditions for occupants of new, existing, adjoining and neighbouring properties. The Council will....Ensure there is no harm to the reasonable enjoyment of the use of buildings, gardens and other spaces due to increases in traffic, servicing, parking, noise, light, disturbance, air pollution, odours or vibration or local micro-climatic effects.*

### **Policy LP 10: Local Environmental Impacts, Pollution and Land Contamination**

*The Council will seek to ensure that local environmental impacts of all development proposals do not lead to detrimental effects on the health, safety and the amenity of existing and new users or occupiers of the development site, or the surrounding land. These potential impacts can include, but are not limited to, air pollution, noise and vibration, light pollution, odours and fumes, solar glare and solar dazzle as well as land contamination.*

#### **Noise and Vibration**

A. The Council encourages good acoustic design to ensure occupiers of new and existing noise sensitive buildings are protected. The following will be required, where necessary:

1. *a noise assessment of any new plant and equipment and its impact upon both receptors and the general background noise levels;*
2. *mitigation measures where noise needs to be controlled and managed;*
3. *time limits and restrictions for activities where noise cannot be sufficiently mitigated;*
4. *promotion of good acoustic design and use of new technologies;*
5. *measures to protect the occupiers of new developments from existing sources.*

### **Odours and Fume Control**

*E. The Council will seek to ensure that any potential impacts relating to odour and fumes from commercial activities are adequately mitigated by requiring the following:*

1. *an impact assessment where necessary;*
2. *the type and nature of filtration to be used;*
3. *the height and position of any chimney or outlet;*
4. *promotion and use of new abatement technologies*

- 5.3 The assessments of environmental noise impacts and the careful specification of the ventilation plant will improve the amenity and living conditions of occupants of existing neighbouring properties. The proposed development will lead to an improvement in the reasonable enjoyment of the use of buildings, gardens and other spaces. Accordingly, it will achieve the outcomes sought by Local Plan Policies LP8 and LP10.

### **Policy LP 25: Development in Centres**

- 5.4 This policy, amongst other things, provides that:

*Development in the borough's centres, as defined in the centre hierarchy, will be acceptable if it...does not adversely impact on the vitality and viability of the centre in which the development is proposed, or another centre...and is in keeping with the centre's role and function within the hierarchy and is of a scale appropriate to the size of the centre; and that... Development should, wherever possible, include overall improvements and enhancements of the small centres where appropriate, and/or modernise outdated premises.*

- 5.5 The development proposed accords with the provisions summarised and will improve and modernise the application premises.
- 5.6 In conclusion, the proposed development accords with the relevant provisions of the Camden Local Plan and which is up-to-date.



## **b, National Planning Policy Framework and London Plan**

- 5.7 The National Planning Policy Framework (March 2019) indicates that proposed development that accords with an up-to-date Local Plan should be approved.
- 5.8 The proposal will deliver the three overarching objectives of sustainable development set out in the National Planning Policy Framework and is compliant with specific aspects relating to a healthy urban environment.
- 5.9 Various policies of the London Plan are relevant to the proposed development, but in particular it is considered that by mitigating and minimising the adverse impact of noise and improving visual impact, it accords with Policies 7.15 B (b) and 7.4.

## **6.0 Conclusions**

- 6.1 Recent previous planning applications for kitchen ventilation systems have helped established the parameters for a successful planning application. It is considered that the material submitted as this planning application (listed at **Appendix Two**) demonstrates the following positive outcomes.
- 6.2 There have been two overarching issues with previous planning applications:

**Noise and Odour** – As a consequence of appropriate siting, the identification of and proposed use of mitigation measures, the ventilation system results in a neighbourly form of development that will improve the residential amenities of nearby occupants in terms of noise and vibration, odour and fumes. Accordingly, the scheme accords with policies LP8 and LP10 of the Cerdon Local Plan and the Development Control for Noise Generating and Noise Sensitive Development SPD (2018).

Design: Full technical details of the system including of the required silencer and Gigabox are provided with the planning application. The applicant trusts that the local planning authority will conclude that the likely impact of the ventilation system will be benign as it will result in an appropriate, visually acceptable and discreet development that would not adversely impact on the appearance of the host building. Consequently, the scheme will achieve the outcomes sought by policies LP1 and LP4 of the Camden Local Plan and the Supplementary Planning Document (SPD) 'Design Quality' (2015).

- 6.3 The planning application material builds on that put forward to the LPA for pre-application engagement and which itself produced a broadly positive outcome. The material identified by the LPA in its formal advice has been prepared and is submitted as part of the planning application material.
- 6.4 After assessment, it has been concluded that the planning application proposal accords with the relevant provisions of the Camden Local Plan and which is up-to-date.
- 6.5 In addition to the locally adopted policies against which the application proposal has been assessed, it also accords with the London Plan. Accordingly, it is compliant with the Development Plan. It follows that it is also compliant with the National Planning Policy Framework.
- 6.6 The applicant, therefore, respectfully requests that planning permission be granted. It would be hugely appreciated if this planning application, which we suspect is unlikely to attract any representations, particularly objections, could be processed and determined positively as soon as practically possible, to enable removal and installation works, to be completed in good time, with particular regard to the former, so that the local planning authority can confirm that enforcement action is stopped and can close its files on that matter.