

Application ref: 2021/0021/P  
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Date: 16 April 2021

**Development Management**  
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DELTA TECH LTD  
86-90 PAUL STREET  
LONDON  
EC2A 4NE

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted**

Address:

**306 Kilburn High Road  
London  
NW6 2DB**

Proposal:

Change of use from retail (Class E) into a restaurant/ takeaway (Sui Generis) including installation of extraction flue system to rear

Drawing Nos: Location plan; PA16/20/04 (Rev A) received 13/04/21; PA16/20/02; PA16/20/01; PA 16/20/03; Noise impact assessment (prepared by DAA Group, dated 26/02/2021); Odour and flue assessment; Manufacturer's information relating to plant equipment (received 04/01/2021)

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: Location plan; PA16/20/04 (Rev A); PA16/20/02; PA16/20/01; PA 16/20/03; Noise impact assessment (prepared by DAA Group, dated 26/02/2021); Odour and flue assessment; Manufacturer's information relating to plant equipment (received 04/01/2021)

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 Before the use commences, the plant equipment shall be provided with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such. All such measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations.

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 The cooking of hot food at the premises shall be limited to pizza preparation or other similar cooking type with a low risk of odour nuisance.

Reason: To take account of the proposed low level dispersion and odour control which is only suitable for low risk odour cooking and 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 The use hereby permitted shall not be carried out outside the following times: 08.00 and 00.00 Mondays to Sundays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, A4, TC1, TC2

and TC4 of the London Borough of Camden Local Plan 2017.

Informative(s):

1 Reasons for granting permission.

The proposal involves the change of use from a pawnbrokers (Sui Generis) to a takeaway / restaurant use (Sui Generis). It is understood that the unit has been vacant and marketed for approximately two years with little interest although no marketing evidence has been provided. The proposed use would entail the consumption of food on and off the premises but owing to the small size of the unit and limited room for seating, the majority is expected to occur off the premises. The loss of the existing use is not considered to affect the vitality of Kilburn Town Centre and whilst many nearby units are in food and drink use, the additional provision is not considered to bring about harm to the character of the area to an extent that would warrant refusal. The unit is not in close proximity to any schools and so its impact on the health of young people is considered sufficiently limited.

In terms of external alterations, it is proposed to move entrance door more centrally on the front elevation, swapping its position with a window. The general appearance of the shopfront would be retained. A separate application has been made for new signage under ref. 2021/0745/P.

An extraction flue is proposed to run along the roof of the ground floor rear extension with the vertical discharge outlet at the furthest edge of the roof away from the rear elevation in a similar arrangement to the plant equipment at no. 304 next door. It would be set in from the edge of the flat roof which would help reduce the appearance of bulk. The flue would be supported on anti-vibration mounts. Whilst the equipment is visible from the public realm, it appears consistent with the various extraction equipment visible to the rear of the building terrace, both at high and low levels. Its visual impact is therefore not considered sufficiently adverse to warrant a refusal on design grounds.

Whilst low level extraction is typically discouraged in favour of high level extraction, in this instance alternative locations were limited as running the flue up the rear elevation would involve some obstruction to residential windows as there is limited space. The flue would also be in closer proximity to a higher number of residential windows, potentially resulting in noise disturbance. In addition, the risk of odour nuisance from the proposed discharge at first floor level is considered to be low given the type of cooking proposed.

The closest noise sensitive receiver to the proposed low level flue outlet has been identified as being a residential window located approximately 9 meters away. It is also noted that the ground floor has consent under prior approval application for a change of use from A2 to C3 (ref.2020/4230/P) although the permission is yet to be implemented. Noise and vibration and odour assessments have been submitted to demonstrate the impact on the amenities of surrounding residential occupants and have been reviewed by the Council's Environmental Health officer. In terms of noise, the officer concludes that noise emissions from the proposed plant would not have an adverse impact on the

nearest residential receivers provided that the mitigation measures presented in acoustic report are followed. The measures will be secured by condition. In terms of odour, the officer finds the odour assessment and abatement measures to be sufficiently robust for the type of cooking proposed. A condition will ensure that the type of cooking carried out would be pizza preparation or other types with a low risk of odour nuisance.

A condition will be attached limited the opening hours to 08.00 - 00.00 Mon-Sun which is consistent with similar premises in the local area.

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Owing to the nature of takeaways, the proposal will generate an increased number of trips in the area. The proposal has been reviewed by a Transport officer who finds the proposal unlikely to lead to a significant increase in deliveries or other servicing activity and the takeaway can utilise the loading bay located directly adjacent on Palmerston Road therefore avoiding the need for a delivery and servicing management plan.

One objection has been received prior to making this decision which relates to the high number of takeaways in the area and the impact on delivery driver traffic. The impact is considered acceptable owing to the existing delivery bay outside the unit.

The planning history of the site has been taken into account when reaching this decision.

As such, the proposed development is in general accordance with policies G1, TC2, TC4, A1, A4, D1 and T4 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework.

- 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 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 positioned above the typed name and title.

Daniel Pope  
Chief Planning Officer