

Application ref: 2021/1379/P
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Mr Gokhan Kanberoglu
Arch 158
Midland Road
Leyton
E10 6JT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

New College Parade
Unit 4
Finchley Road
London
NW3 5EP

Proposal:

Installation of new rear flue ductwork and plant equipment

Drawing Nos: OS Plan dated 19th March 2021, 19-0804TP100, 19-0804TP101, 19-0804TP102, 19-0804TP104. Supporting documents: Planning Statement March 2021, Noise Impact Report - Kitchen Extraction System Sound Licencing Ltd dated 17/3/2021 Revision No. 1.0, Eral Metal Fabrication Specification and Maintenance, 'Report on Kitchen Extract' Project No G0023 dated 11th March 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 The development hereby permitted shall be carried out in accordance with the following approved plans: OS Plan dated 19th March 2021, 19-0804TP100, 19-0804TP101, 19-0804TP102, 19-0804TP104. Supporting documents: Planning Statement March 2021, Noise Impact Report - Kitchen Extraction System Sound Licencing Ltd dated 17/3/2021 Revision No. 1.0, Eral Metal Fabrication Specification and Maintenance, 'Report on Kitchen Extract' Project No G0023 dated 11th March 2021.

Reason:

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

- 3 The cumulative sound level from the extract ventilation system hereby permitted, 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 noise 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 ensure that the amenity of occupiers of the surrounding premises is not adversely affected by noise from mechanical installations/equipment, in accordance with Policy A4 of the Camden Local Plan 2017.

- 4 The extract ventilation system shall not operate outside of the hours of 11am to midnight Saturday to Wednesday and 11am to 12:30am Thursdays and Fridays.

Reason: To ensure that the amenity of occupiers of the surrounding premises is not adversely affected by noise from mechanical installations/equipment, in accordance with Policy A4 of the Camden Local Plan 2017.

- 5 The extract ventilation system shall be installed in accordance with the specification and undertakings set out in supporting documentation Planning Statement March 2021, Noise Impact Report - Kitchen Extraction System Sound Licencing Ltd dated 17/3/2021 Revision No. 1.0, Eral Metal Fabrication Specification and Maintenance, and 'Report on Kitchen Extract' Project No G0023 dated 11th March 2021. It shall thereafter be retained, operated and maintained in accordance with the same undertakings.

Reason: To ensure that the amenity of occupiers of the surrounding premises is not adversely affected by noise or odours from mechanical installations/equipment, in accordance with Policy A4 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 Reasons for granting permission.

The proposed extract duct replaces an existing duct system serving the restaurant on ground and basement floors. The current system was installed in 2018 and caused nuisance to neighbours by virtue of odours and noise. Planning permission was granted for an extract ventilation system on 3rd September 2019 as ref: 2019/0230/P; however this was not implemented in accordance with the permission and became the subject of an enforcement investigation and enforcement notice.

This application proposes modification to the extract system that seeks to address the neighbour nuisance and respond to ongoing complaints by relocating the fan mechanism, adding additional silencers and proposing a different filtration method. It incorporates additional structure at roof level to accommodate the changes.

In terms of noise, the submitted report demonstrates compliance with the Council's noise standards. The nearest 'noise sensitive receptor' is the second floor windows located on the rear façade of 1-8 Harben Parade, at its closest, 3m from the proposed ductwork. The specification includes silencers for both the extraction and air intake systems to ensure that the mechanism operates 10db below background noise levels. It has also been designed to include an extraction fan jacket and incorporate other measures to control vibration. An undertaking has been made to only operate the unit between the hours of 11am to midnight Saturday to Wednesday and 11am to 12:30am Thursdays and Fridays. Subject to the above conditions, the Council is satisfied the equipment can operate within the Council's noise standards, with the additional condition limiting noise to the Council's required standard.

In terms of odours, the applicant proposes to use a carbon filtration system with associated undertakings for maintenance. This is combined with a discharge at roof level. Officers are satisfied that subject to the conditions above, suitable control is in place to ensure that material odour nuisance would not occur.

In terms of visual impact and outlook for neighbours, the extract system is very similar in appearance to that granted in 2019. There is additional structure at roof level, which has limited visibility from the surrounding townscape. The duct will be sited at the rear of the building and at roof level. Whilst utilitarian in form, it does not cause material harm to the building or reduce neighbour outlook to a material degree.

Consequently, the development complies with Policies A1 and D1 of the Camden Local Plan. It also complies with relevant policies in the London Plan and accords with planning principles set out in the National Planning Framework.

3 The applicant is advised that full implementation of the planning permission hereby granted should happen within 3 months of the date of this permission.

Failure to implement the changes may result in further enforcement action to ensure compliance.

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 2021.

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 'DP', is positioned above the typed name and title.

Daniel Pope
Chief Planning Officer