

Application ref: 2021/5136/P
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Date: 30 June 2022

Development Management
Regeneration and Planning
London Borough of Camden
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Phone: 020 7974 4444

planning@camden.gov.uk

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Mehdi Taghavi
24 Lindsey Road
Luton
LU2 9SR

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

**324 West End Lane
London
NW6 1LN**

Proposal:

Removal of the existing flue on the roof of the single storey rear extension and the installation of a new external flue on the rear/side of the building in connection with the existing cafe

Drawing Nos: 128 -01/MT; 128 -02/MT; 128 -03/MT; 128 -05/MT; 128 -06/MT; Noise Impact Assessment prepared by KP Acoustics dated 19/10/2021; Odour Assessment prepared by Air Quality Assessment Limited dated 18/10/2021

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-

128 -01/MT; 128 -02/MT; 128 -03/MT; 128 -05/MT; 128 -06/MT; Noise Impact Assessment prepared by KP Acoustics dated 19/10/2021; Odour Assessment prepared by Air Quality Assessment Limited dated 18/10/2021.

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

- 3 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.

- 4 Prior to use, machinery, plant or equipment 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 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 installation, operation and maintenance of the odour abatement equipment and extract system, including the height of the extract duct and vertical discharge outlet, must be in accordance with the EMAQ+Control of Odour and Noise from Commercial Kitchen Exhaust Systems.

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 colour of the proposed external extract flue hereby approved shall be in black with a matt finish.

Reason: In order to minimize the impact on the appearance of the building and local environment in accordance with the requirements of policy D1 of the London Borough of Camden Local Plan 2017.

- 7 Prior to the commencement of the use of the plant equipment, automatic time clocks shall be fitted to the plant equipment hereby approved, to ensure that the plant equipment only operates between 23:00 hours and 07:00 hours Monday to Sunday. The timer equipment shall thereafter be permanently retained and maintained.

Reason: To safeguard the amenities of the adjoining premises and the area

generally in accordance with the requirements of policies A1, A4 and TC4 of the London Borough of Camden Local Plan 2017.

Informative(s):

1 Reasons for granting permission-

The ground floor of the building is a commercial unit which is in use as a sandwich/coffee shop. The proposal includes the installation of an external flue on the rear elevation to extend above the parapet of the flat roof of the two storey rear closet wing. A ground floor window on the rear elevation of the single storey rear extension would be unblocked and used to provide natural ventilation to the kitchen area.

The existing unauthorised flue in the roof of the single storey rear extension would be removed and would be replaced by a new external flue which would be located to the rear of the property. This would extend upwards and would be 0.7m higher than the flat roof of the two storey closet wing extension to the rear of the building but only 0.1m above the rear parapet height. The proposed replacement flue would not be visible from West End Lane but would be visible from the gap between the rear of the application site and the buildings fronting Crediton Hill and from private vantage points from neighbouring properties. Although the gap between the properties is relatively narrow, it is considered that the reflective appearance of the flue draws attention to its appearance. In order to reduce the visual impact of the flue in this location, it should be painted a matt black colour. This would integrate the flue into the existing streetscene where there are existing soil/ water pipes and chimneys extending above the roofs of neighbouring properties.

In terms of amenity the flue would be located within 2.5m of the first and second floor windows in the rear elevation of the main building and is in close proximity to the side windows of the building fronting onto no.76 Crediton Hill. It is considered the proposed development would result in some loss of outlook to the windows on the first and second floor level of the application site and no.76 Crediton Hill. However it is considered this loss is not serious enough to warrant a reason for refusal and is considered acceptable. The development would not result in loss of daylight, sunlight or privacy.

The closest noise-sensitive receiver to the proposed high level flue outlet has been identified as being a residential window at the rear elevation of the building. Noise and vibration and odour assessments have been submitted to demonstrate the impact on the amenities of surrounding residential occupants. In terms of noise, the Council's Environmental Health team concludes that noise emissions from the proposed flue would not have an adverse impact on the nearest residential receivers. A condition would be attached to ensure noise and vibration from the kitchen extract would not exceed Camden's noise standards.

A condition is also imposed to require time clocks to be fitted to the plant equipment hereby approved, to ensure that the equipment only operates during restaurant operating hours.

In terms of odour, the Environmental Health team finds the odour assessment and abatement measures to be sufficiently robust for the type of cooking occurring. They consider that the proposed flue would not have a negative impact in respect of odour to neighbouring properties. The unblocking of the window is for ventilation purposes and is considered acceptable provided that the mitigation measures presented in the odour report are followed and a condition is attached restricting hours of operation.

One objection was received from an neighbouring property regarding noise emitted from the flue and assurances that the existing unauthorised flue be removed. As stated previously, the Council's Environmental Officer reviewed the noise assessment submitted and considers that the proposed flue would not cause harm to residential amenities of neighbouring proposes in terms of noise, odour and vibration. Additionally the existing unauthorised flue would be removed as part of the proposal.

- 2 The existing flue does not benefit from planning permission and therefore, given this context, it is considered reasonable and necessary to warn the applicant that failure to implement this planning permission, in accordance with the approved plans, within 3 months from the date of this decision is likely to result in further enforcement action being taken. An informative is attached to ensure the applicant is made aware of this.

The site's planning history and relevant appeal decisions were taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies A1, A4 and D1 of the Camden Local Plan 2017 and with policy 3 of the Fortune Green and West Hampstead Neighbourhood Plan 2016. The proposed development also accords with policies of the London Plan 2021 and of the National Planning Policy Framework 2021.

- 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, 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 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).
- 5 All works should be conducted in accordance with the Camden Minimum

Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) 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.

- 6 The existing flue on the flat roof of the existing single storey rear extension shall be removed and replaced with the flue hereby approved, which is to be painted in black, by no later than the 3 months from the date of this decision. You are advised that if this is not done as specified, the Director of Economy, Regeneration and Investment will instruct the Director of Law and Environment 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 2021.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully



Daniel Pope
Chief Planning Officer