

Application ref: 2022/0826/P
Contact: Jaspreet Chana
Tel: 020 7974 1544
Email: Jaspreet.Chana@camden.gov.uk
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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

Mr Gokhan Kanberoglu
Flat 1206
2 Loder House
London
SE3 9GX
United Kingdom

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
Camden
NW3 5EP**

Proposal:

Installation of new rear ductwork to replace existing and add extraction, filtration and ventilation equipment to rear basement level

Drawing Nos: TORQM21082095933772, TORQM21078083811221, 4NWP100-1, Existing rear view and Existing side view, NL-SOS-TP-01, Noise Impact Assessment Report - Kitchen Extraction System dated 1/03/2022, Filtration Assessment - GOYA Works dated 1/03/2022,

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 and documents: TORQM21082095933772, TORQM21078083811221, 4NWP100-1, Existing rear view and Existing side view, NL-SOS-TP-01, Noise Impact Assessment Report - Kitchen Extraction System dated 1/03/2022, Filtration Assessment - GOYA Works dated 1/03/2022.

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

- 3 The external noise level emitted from plant, machinery or equipment at the development with specified noise mitigation hereby approved shall be lower than the typical existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. A post installation noise assessment shall be carried out where required to confirm compliance with the noise criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from mechanical installations/ equipment 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 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.

- 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 shall be in accordance with the 'EMAQ+Control of Odour and Noise from Commercial Kitchen Exhaust Systems. Approved details shall be implemented prior to the commencement of the use and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by cooking odour.

- 6 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.

Informative(s):

1 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. In addition, another planning permission was applied for (2021/1379/P dated 26/08/2021) changing elements of the proposed extraction system to address neighbour concerns and appropriate conditions were added to control the new flue however this permission was not implemented by the applicant.

This application proposes modification to the filtration equipment location by moving it from the roof to the basement level due to it being too heavy for the roof. This change 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.

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 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 2017. It also complies with relevant policies in the London Plan 2021 and accords with planning principles set out in the National Planning Framework 2021.

- 2 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).
- 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 'DPope', is positioned above the typed name and title.

Daniel Pope
Chief Planning Officer