

Application ref: 2022/0726/P
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Date: 22 September 2022

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undefined

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
296 Kilburn High Road
London
Camden
NW6 2DB

Proposal:
Installation of extraction duct to rear ground floor.

Drawing Nos: UK2101-H1-D-A-101 rev P01; UK2101-H1-D-A-102; UK2101-H1-D-A-103; Noise Impact Assessment (VA3657.210916.NIA) dated 17 September 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

UK2101-H1-D-A-101 rev P01; UK2101-H1-D-A-102; UK2101-H1-D-A-103;
Noise Impact Assessment (VA3657.210916.NIA) dated 17 September 2021.

Reason:

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

- 3 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.

- 4 No primary cooking shall take place until:
 - a) the odour abatement equipment and extract system has been installed in accordance with the "Guidance on the assessment of odour for planning 2018" by the Institute of Air Quality Management, including the height of the extract duct, discharge rate, and vertical discharge outlet; and
 - b) the extraction, plant and flue equipment has been installed in accordance with the details submitted and as set out, in the Noise Impact Assessment (VA3657.210916.NIA) dated 17 September 2021, including the mitigation recommendations specified; and
 - c) the equipment has been installed and fitted with the mitigation measures set out in the approved Noise Impact Assessment (VA3657.210916.NIA) dated 17 September 2021, mounted with proprietary anti-vibration isolators, and fan motors vibration isolated from the casing and adequately silenced.

The approved equipment shall thereafter be retained and maintained in working order for the duration of the use in accordance with the Institute of Air Quality Management guidance, the approved details, and the manufacturers guidance.

Reason: To safeguard the appearance of the premises and the wider area and to ensure no unreasonable nuisance or disturbance is caused to the detriment of the amenity of adjoining occupiers or to the area generally in accordance with policies A1, A4 and D1 of the Camden Local Plan 2017.

- 5 The external noise level emitted from plant, machinery or equipment at the development shall be lower than the typical existing background noise level by at least 10dBA, or 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.

Reason: To ensure no unreasonable nuisance or disturbance is caused to the detriment of the amenity of adjoining occupiers or to the area generally in accordance with policies A1, A4 and D1 of the Camden Local Plan 2017.

Informative(s):

1 Reasons for granting permission.

The application is for the installation of an extract flue in the ground floor commercial unit. The use would remain in Class E commercial use. Residential accommodation is above and the site backs onto Kilburn Grange Park, although into the corner of the park behind the sports pitches.

Most of the flue runs internally, with only a 1m high section discharging right at the back of the site, near the boundary with the park. The views of it will therefore be restricted and limited to several nearby properties. The roofs of the other rear extensions in the area already have lots of plant and extract equipment on them, many of which are more visually intrusive. The limited scale, internal run, and limited height of the plant, means the visual impact is acceptable.

The flue would discharge 1m above the ground floor extension roof level. Although at relatively low level, it is also more than 6m from a bathroom, and around 9m from a habitable room, which are on the upper floors of the main building. Environmental Health officers have confirmed the odour impact will be acceptable as long as the discharge rate is sufficient, in line with guidance. A condition is attached required compliance with the guidance.

A noise assessment was also submitted which demonstrated that subject to certain mitigation measures set out in the report, the noise and vibration impact would be acceptable and comply with council requirements. Again, a condition has been attached to ensure the mitigation and maintenance is in accordance with the details submitted.

The proposed development would not cause undue harm to the residential amenity of nearby and neighbouring properties by way of visual privacy and outlook; sunlight, daylight and overshadowing; or noise and vibration.

No objections have been received prior to making this decision. The planning history of the site has been 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. The proposed development also accords with the London Plan and the National Planning Policy Framework.

- 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 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 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.

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:

<https://www.gov.uk/appeal-planning-decision>.

Yours faithfully



Daniel Pope
Chief Planning Officer