

Application ref: 2022/2227/P
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Date: 23 September 2022

Development Management
Regeneration and Planning
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planning@camden.gov.uk
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Boyer Planning
2nd Floor, 24 Southwark Bridge Road
London
SE1 9HF

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
23 Rathbone Place
London
City Of Westminster
W1T 1HZ

Proposal:
Erecting of extractions and ventilation duct system and 2 no. AC condensers at rear elevation and louvre to the front elevation fronting Gresse Street.

Drawing Nos: PP01 Rev B, Boyer Cover Letter dated 23/05/2022, Environmental Acoustic Impact Assessment CS8501, Risk Assessment for Odour dated 23/03/2022.

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: PP01 Rev B, Boyer Cover Letter dated 23/05/2022, Environmental Acoustic Impact Assessment CS8501, Risk Assessment for Odour dated 23/03/2022.

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 and D2 of the London Borough of Camden Local Plan 2017.

- 4 The external noise level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the lowest 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. 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.

- 5 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.

Informative(s):

- 1 Reasons for granting permission.

This proposal involves installation of an extract flue duct for the restaurant (under class E) kitchen and it would run vertically on the rear elevation of the building and discharge at roof level. The proposed duct would not be visible in the public realm and whilst it may be visible from private views, it would be viewed in within a resessed lightwell and considered to be consealed against the flank wall of a neighbouring property. Two new AC condenser units are also proposed within the rear elevation, these would be placed within the basement lightwell within acoustic housing. Louvres are also to replace a high

level window on the Gresse Street elevation, the size would be modest and the colour would match that the existing shopfront. Given the AC units location to the rear at basement level and being modest in size, it is considered they would not cause significant harm to the integrity of the host building, terrace and Conservation Area.

The proposed extraction duct would be close to neighbouring windows, however would be to a modest scale and set up with the appropriate measures to mitigate noise and odour concerns. In terms of daylight, sunlight outlook and privacy, it is considered there would be no impact on neighbour amenity in these regards due to the duct being located within an existing lightwell. The concern relates to noise and odour as a result of the proposed ducting and air condenser units.

The applicants have submitted an acoustic report and odour risk assessment as part of this application. The councils environmental health officer has reviewed these assessments and concluded that, appropriate noise guidelines have been followed within the report such as Noise Policy Statement for England, National Planning Policy Framework (NPPF), Planning Practice Guidance on Noise, Camden Council's Local Plan, version June 2017 and BS 4142:2014. The plant noise criteria has been adequately predicted.

An adequate 'Risk Assessment for Odour' has been submitted that shows a low impact on the local amenity. Based on the results of the submitted technical assessments, the noise and odour criteria for the installation have been adequately calculated and therefore there is no objection to the proposal subject to conditions.

No objections have been received prior to making this decision. The site's planning history was considered in the determination of this decision.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013. Act (ERR) 2013.

As such, the proposed development is in general accordance with policies A1, A4, D1 and D2 of the London Borough of Camden Local Plan 2017. The proposed development also accords with the London Plan 2021 and the National Planning Policy 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 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'.

- 4 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.
- 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.

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