

Application ref: 2022/3459/P
Contact: Amy Ly
Tel: 020 7974 8141
Email: Amy.Ly@camden.gov.uk
Date: 14 October 2022

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

SEBOUH Architects Ltd.
55 Salisbury Walk
London
N19 5DS
United Kingdom

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted

Address:

**82 Camden High Street
London
Camden
NW1 0LT**

Proposal:

Minor Material Amendment (S73) to amend Condition 2 (Approved plans) of ref: 2021/3936/P dated 07/07/2022 for 'Retrospective application to change the use of the ground and basement unit from a mixed A1 (retail), A3 (cafe) and A4 (bar) Sui Generis use to Class E (b) and retention of air-conditioning unit on the rear at first floor level and a cooking extract grille at the rear.'

Drawing Nos: Proposed Rear & Side Elevations (dated 08.08.2022); Proposed Basement & Ground Floor Plans (dated 08.08.2022); 2107-03(PSS)04-.docx; Filtration Assessment ; Odour Report; Ventilation Statement; 20212483M483C/1 (Odour impact assessment report); efam air Lumi ventilation proposal; Cover letter (dated 19/07/21); B1031-AF-00001-01(Attended BS4142 noise assessment)

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 shall be carried out in accordance with the following approved plans-

Proposed Rear & Side Elevations (dated 08.08.2022); Proposed Basement & Ground Floor Plans (dated 08.08.2022); 2107-03(PSS)04-.docx; Filtration Assessment ; Odour Report; Ventilation Statement; 20212483M483C/1 (Odour impact assessment report); efam air Lumi ventilation proposal; Cover letter (dated 19/07/21); B1031-AF-00001-01(Attended BS4142 noise assessment)

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

- 2 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 the machinery operating at maximum capacity.

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.

- 3 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

- 4 The operation, and maintenance of the odour abatement equipment and extract system, including the height of the extract duct and vertical discharge outlet, must be at all times in accordance with the 'EMA +Control of Odour and Noise from Commercial Kitchen Exhaust Systems and suggested mitigation form odour assessment 20212483M483C, dated 21 October 2021. Approved details shall be implemented prior to the commencement of the use of the equipment 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.

- 5 Within three months of the date of this decision, the extract flue and plant hereby approved shall be installed in accordance with the approved details.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by noise, vibration and odour in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 6 Within two months of the date of the installation of the extract flue and plant, a post-completion report shall be submitted demonstrating compliance with the above conditions, namely:
- a) that the flue and plant has been installed in accordance with the approved details and plans, and on what date; and
 - b) that the mitigation measures have been installed in accordance with the approved details and plans, and conditions 3 and 4 of this permission; and
 - c) that the noise from the plant complies with condition 2 of this permission.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by noise, vibration and odour 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:

The original application was for the retrospective change the use of the ground and basement unit from a mixed A1 (retail), A3 (cafe) and A4 (bar) Sui Generis use to Class E (b) and retention of air-conditioning unit on the rear at first floor level and a cooking extract grille at the rear. The current amendment application seeks to alter the proposed extract duct located at the rear, to increase the size of the pipe by 0.2m in width. It would facilitate the kitchen extraction system for the café occupying the ground floor and basement of the site.

Under the current proposals, the duct would not be visible from the public realm, situated at the rear and the changes to the overall appearance of the rear elevation would be minimal, considering the modest increase in scale. The increased duct would match the approved duct in terms of design, height and siting and would have limited visual impact on the external appearance of the host building. Overall, the changes proposed would allow minor material change to host building.

Given the minor nature of the proposed alterations, would not result in detrimental amenity concerns or harm to the neighbouring properties by way of a loss of light, outlook or any increases in overlooking. In terms of noise and odour disturbance, the Councils environmental health officer has assessed the amended scheme and confirms that it does not raise any significant concerns as Conditions 4, 5 and 6 of the original permission 2021/3936/P dated 07/07/2022 will still apply and need to be complied with.

The site's planning history has been taken into account when coming to this decision. The Camden Town CAAC confirmed no comments. One objection has been received following consultation from a neighbouring occupier on the grounds of noise/vibration and odour disturbance, design, location and siting, maintenance issues, fire safety concerns and incorrect plans. The main issue raised is the routing of the flue, and how close it is to the rear first floor window.

If flue details stays same: Maintenance issues and fire safety are covered separately by Building Regulations. Whilst the flue is routed close to the window, other services and pipes limit the ability to re-route it. Instead, conditions have been attached imposing a maximum noise limit, installation of anti-vibration mounts, and requiring an appropriate programme of maintenance in accordance with industry guidance. This has been agreed by the council's environmental health officer. Furthermore, whilst the flue will have some impact on outlook from the rear windows of the terrace, this impact will not be significant.

Special attention has been paid to the desirability of preserving the special interest of the listed building and 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.

As such, the proposed development is in general accordance with policies A1, 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 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

A handwritten signature in black ink, appearing to read 'DP', is centered on a light grey rectangular background.

Daniel Pope
Chief Planning Officer