

Committee	PLANNING COMMITTEE A	
Report Title	4A CLARENDON RISE, LONDON, SE13 5ES	
Ward	LEWISHAM CENTRAL	
Contributors	Russell Brown	
Class	PART 1	11th May 2017

<u>Reg. Nos.</u>	DC/16/098621
<u>Application dated</u>	04.10.2016
<u>Applicant</u>	Sivan Covil Trust
<u>Proposal</u>	A retrospective application for the installation of an extraction and ventilation system with two flues to replace the existing at 4a Clarendon Rise, SE13.
<u>Applicant's Plan Nos.</u>	KND/10/16/315; KND/ 10/ 16/ 315A; KND/ 10/ 16/ 315B; KND/ 10/ 16/ 315B; KND/ 10/ 16/ 315D; KND/ 10/ 16/ 315E; KND/ 10/ 16/ 315F; Noise Impact Assessment Received 21st October 2016  Design & Access Method Statement Received 3rd November 2016  Kitchen Extract Fan Acoustic Commissioning; Kitchen Extract Odour Comments Received 15th December 2016  Incense Fan Noise Measurements Received 6th March 2017
<u>Background Papers</u>	(1) Case File LE/735/4A/TP (2) Core Strategy (June 2011) (3) Development Management Local Plan (November 2014) (4) London Plan (March 2015, furthered altered in March 2016)
<u>Designation</u>	Area of Archaeological Priority PTAL 6b Flood Risk Zones 2 and 3 Local Open Space Deficiency Major District Centre Adjacent/Affecting Conservation Area
<u>Screening</u>	N/A

## **1.0 Property/Site Description**

- 1.1 The application site is located on the west side of Clarendon Rise, just to the south of the River Quaqy and the junction with Lee High Road (A20).

- 1.2 The site incorporates the main temple building, built post 2008, a two storey plus roofspace building attached to the south west side of the temple and three other two storey buildings, a gabled industrial unit, a warehouse building and a flat roofed structure containing a kitchen on the ground floor and staff facilities including an admin office upstairs. All three are accessed via the shared gated entrance on Clarendon Rise and this application relates to the latter.
- 1.3 The application building is located in the south west corner of the site and features a ventilation system and two flues, which were upgraded in late 2016 following neighbour complaints. However, this building is not subject to the planning conditions that relate to the main temple building in respect of noise, hours of use (between 07:30 and 21.30) and cooking (only the preparation of food related to offerings).
- 1.4 The site has been in use as a place of worship (Use Class D1) since the 1990s and forms part of the London Sivan Centre, owned by the London Sivan Kovil Trust, who also use the adjacent two storey building, Riverside House at 12a Lee High Road, as a cultural / community centre. The surrounds are otherwise largely commercial in nature with some residential flats on the floors above.
- 1.5 The site is adjacent to the Mercia Grove Conservation Area, not subject to an Article 4 direction, nor is it a listed building or within the vicinity of any. It is in a Major District Centre (Lewisham), an Area of Archaeological Priority, Flood Risk Zones 2 and 3 and has a PTAL rating of 6b.

## **2.0 Relevant Planning History**

- 2.1 Planning permission was **granted** on 6th April 1994 for Alterations and the change of use of part of 4A Clarendon Rise SE13 for street trader's storage.
- 2.2 Planning permission was **granted** on 8th September 1994 for alterations and the change of use of part of 4A Clarendon Rise SE13 to a place of worship, together with the retention of a single storey porch link.
- 2.3 Planning permission was **granted** on 8th February 1996 for the continued use of part of 4A Clarendon Rise SE13 as a place of worship.
- 2.4 Planning permission was **granted** on 21st September 1998 for the continued use of part of 4A Clarendon Rise SE13 as a place of worship.
- 2.5 DC/05/59034/FT: The construction of a new glazed timber framed lobby to the front of 4a, Clarendon Rise SE13, together with a pitched roof to part of the existing temple. **Granted and implemented.**
- 2.6 DC/06/61499/X: The demolition of the front entrance lobby at the temple building at 4a Clarendon Rise, SE13 and the construction of an extension to the western end of the building, alterations to the elevations, the alteration to the roof profile of the northern temple building (increase to the ridge height and an extension to create a gable end) and the creation of an entrance in the elevation to Clarendon Rise. **Granted.**

- 2.7 DC/08/67975/X: The demolition of existing single storey lobby structures and existing warehouse building (in use as a temple) at 4a Clarendon Rise SE13 and construction of a larger building to be used as a temple. **Granted.**
- 2.8 DC/09/71358/X: The demolition of the existing single storey lobby structures and warehouse building (in use as a temple) at 4a Clarendon Rise SE13 and construction of a larger building with elevational detailing, to be used as a temple. **Granted.**
- 2.9 DC/09/72244/X: The demolition of the existing single storey lobby structures and warehouse building at 4a Clarendon Rise SE13 and construction of a larger building with elevational detailing, incorporating a first floor extension with Juliette balcony to the rear (west) elevation for use as a temple. **Granted and implemented.**
- 2.10 DC/09/73080/X: The installation of an extract flue to the side elevation and internal alterations to the toilets and kitchen areas of 4a Clarendon Rise SE13.
- 2.11 Refused for the following reasons:
1. The installation of the extraction flue by reason of its height, design, close proximity and siting to adjacent dwellings in Mercia Grove would not be compatible with the character and setting of the surrounding development within the immediately adjacent Mercia Grove Conservation Area. It would therefore represent an inappropriate and visually obtrusive development detrimental to the character and visual amenities of the locality contrary to Policy 15 High quality design for Lewisham, and Policy 16 Conservation areas, heritage assets and the historic environment of the adopted Core Strategy (June 2011), Policies URB 3 Urban Design, URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas and HSG 4 Residential Amenity in the adopted Unitary Development Plan (2004).
  2. The installation of the extraction flue lacks adequate means of ventilation to deal with cooking odours and as such the installation would be detrimental to the residential amenities of neighbouring residential properties in Mercia Grove by reason of adverse smell and noise effects, contrary to Policy ENV.PRO 9 Potentially Polluting Uses and Policy ENV.PRO 11 Noise Generating Development in the adopted Unitary Development Plan (2004).

### **3.0 Current Planning Application**

- 3.1 Retrospective planning permission is sought for the installation of an extraction and ventilation system with two flues situated 3m from the roof's southern edge. The pre-existing situation (i.e. before 2012) was the location of one flue to the southern part of the flat roof close to the rear gardens of 5 and 6 Mercia Grove.
- 3.2 Given that the Noise Impact Assessment dated 18th October 2016 identified that the installed system would create noise levels of 57dB, which is 13dB above the background noise, the applicant sought to reduce vibration and noise levels by installing the following:
- Pleated panel filters
  - An Intrepid Energy Saver M7 Panel Filter
  - Metal Cased Carbon Filter
  - The O.N 100 ODOUR Neutraliser with the ESP 3000 E Pre-filtration unit

- 3.3 The latter was the only element that required an external change to the visual appearance of the equipment on the roof.
- 3.4 The equipment serves a kitchen that provides 100% vegetarian food (cooked rice and vegetable soup, sometimes vegetable curries served with rice so predominantly water-based cooking) free of charge to approximately 40 devotees of the temple from Mondays through to Thursdays and up to 100 on Fridays, Saturdays and Sundays. Sweet rice is also cooked and served during lunchtime and evenings. No external hot food is allowed to be brought in.

#### **4.0 Consultation**

- 4.1 No pre-application advice was sought, although conversations were had with the planning enforcement team as to whether planning permission was required. However, negotiations were also had with the Council's Environmental Health service in terms of the details and standard of the flue, noise and emissions.
- 4.2 The Council's consultation met the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.3 A site notice was displayed and letters were sent to 14 adjoining residents, Lewisham Central Ward Councillors and the Council's Environmental Health Department.

#### **Written Responses received from Local Residents**

- 4.4 Four objections were received from local residents, raising the following concerns:
- The size, design and position of the ducting close to the rear gardens of Mercia Grove is intrusive, and its size adds to the cooking smell.
  - The smell of cooking pervades rear gardens
  - The fans are incredibly noisy and operate as early as 05:00 and as late as 00:00 and beyond, contrary to a condition.
  - Planning permission was not sought for the installation of vents in the boundary walls of the rear gardens on Mercia Grove.
  - The applicants do what they like, have shown complete disregard for their neighbours, planning rules and the Council, and refusal of planning permissions have not been enforced in the past.
  - The ventilation systems are ugly to look at, visually intrusive and are not at all in keeping with the Conservation Area.
  - An objection is raised to the running of an industrial kitchen so close to back gardens, particularly in the summer when windows also have to be kept closed.
  - The kitchen should be closed immediately and moved to a more appropriate site with planning permission away from the Temple. The associated extraction equipment should be removed and disposed of.
  - The reasons given for the refusal of DC/09/73080/X are still relevant to this new application, regardless of the fact that they are slightly different systems.
  - Conditions were added to the approval of DC/08/67975/X for the redevelopment of the temple building preventing primary cooking using raw ingredients and restricting the use of the building for any other purpose than that which falls under Use Class D1. The applicants, by their own admission, are in breach of these conditions.

- The changes proposed to be made to the ventilation systems do not mitigate against the fact that they should not be there in the first place as they do not benefit from planning permission.
- The assertions made in the Design and Access Method Statement are questionable and inaccurate.
- The temple is also used as residential accommodation.

4.5 Of the issues raised, only those related to the current planning application are relevant planning considerations.

#### 4.6 Environmental Health

In terms of noise have stated the operation of the flue satisfied British Standards BS 4142. With respect to odour nuisance the submitted information does indicate, that given the type of cooking and the scale of cooking that the system and mitigation added should be sufficient.

### 5.0 Policy Context

#### Introduction

5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
- (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

5.2 Section 38(6) of the Planning Compulsory Purchase Act 2004 makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), DMLP (adopted in November 2014) and policies in the London Plan (March 2016). The NPPF does not change the legal status of the development plan.

#### National Planning Policy Framework

5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14 a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary this states that (paragraph 211) policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect.

This states in part that ‘...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)’.

- 5.4 Officers have reviewed the Core Strategy for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

#### Other National Guidance

- 5.5 On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents.

#### London Plan 2015 (amended 2016)

- 5.6 On 10 March 2015 the London Plan (further altered in March 2016) as adopted. The policies relevant to this application are:

Policy 2.13 Opportunity Areas and Intensification Areas

Policy 2.15 Town centres

Policy 3.1 Ensuring equal life chances for all

Policy 4.6 Support for and enhancement of arts, culture, sport and entertainment provision

Policy 7.15 Reducing noise and enhancing soundscapes

#### Core Strategy

- 5.7 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together the Development Management Local Plan and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 1 Lewisham Spatial Strategy

Spatial Policy 5 Areas of Stability and Managed Change

Core Strategy Policy 15 High quality design for Lewisham

Core Strategy Policy 19 Provision and maintenance of community and recreational facilities

#### Development Management Plan

- 5.8 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Core Strategy and the London Plan is the borough's statutory development plan. The following policies are relevant to this application:-

DM Policy 1 Presumption in favour of sustainable development

DM Policy 26 Noise and vibration

DM Policy 30 Urban design and local character

DM Policy 31 Alterations/extensions to existing buildings

## **6.0 Planning Considerations**

- 6.1 The relevant planning considerations are the principle of development, design, the impact on the property and the character and appearance of the surrounding area as well as to the amenities of neighbouring residents, particularly noise and odour.

### *Principle of development*

- 6.2 London Plan Policy 2.13 designates Lewisham, Catford and New Cross as Opportunity and Intensification Areas.
- 6.3 London Plan Policy 2.15 designates Lewisham as a Major Centre.
- 6.4 London Plan Policy 3.1 states that development proposals should protect and enhance facilities and services that meet the needs of particular groups and communities.
- 6.5 London Plan Policy 4.6 states that boroughs should support the continued success of London's diverse range of arts, cultural, professional sporting and entertainment enterprises and the cultural, social and economic benefits that they offer to its residents, workers and visitors.
- 6.6 Core Strategy Policy 19 states that the Council will work with its partners to ensure a range of health, education, policing, community, leisure, arts, cultural, entertainment, sports and recreational facilities and services are protected across the borough.
- 6.7 The principle of replacing the existing unfit-for-purpose ventilation and extraction equipment is considered acceptable. The building to which this application relates is associated with the temple given the associated activities which take place within, but is not subject to the same restrictive planning conditions, including those that relate to the primary cooking and the hours of use. However, it does retain its historic B1 or B2 use, at which time it had cooking facilities.
- 6.8 Officers also note that the condition restricting the place of worship use with ancillary storeroom, food preparation room and lobby relates only to the temple and any food preparation within the temple takes place at the front (Clarendon Rise) end of the building, and is mostly limited to fresh fruit.
- 6.9 As such, and given that the cooking is limited to rice and vegetarian food (no fish, meat or eggs) solely for the consumption of the temple attendees, then it is considered that permitting replacement ventilation and extraction equipment would not, as a consequence, approve a change of use to this building by default.
- 6.10 Therefore, the principle of development is acceptable subject to the equipment's impact on the building, surrounding area and residential amenity.

### *Design*

- 6.11 Core Strategy Policy 15 states that the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which optimises the

potential of sites and is sensitive to the local context and responds to local character. Any adverse impact on neighbouring amenity, conservation areas and designated and non-designated heritage assets, biodiversity or open space will need to be addressed.

- 6.12 DM Policy 30 states that the Council will require all development proposals to attain a high standard of design, including alterations to existing buildings. An adequate response to the following detailed matters will be required in planning applications to demonstrate the required site specific design response:
- the creation of a positive relationship to the existing townscape to preserve an urban form which contributes to local distinctiveness such as building features and uses, roofscape, open space and views, taking all available opportunities for enhancement; and
  - the quality and durability of building materials and their sensitive use in relation to the context of the development. Materials used should be high quality and either match or complement existing development.
- 6.13 DM Policy 31 states that development proposals for alterations and extensions will be required to be of a high, site specific, and sensitive design quality, and respect and / or complement the form, setting, period and detailing of the original buildings, including external features. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context. In addition, where it is necessary:
- details of plant, pipework and other mechanical equipment including ducts and flues should be included within the initial planning application and be enclosed within the envelope of the building or, where that is impracticable, sited where they will have the least visual impact.
- 6.14 The extraction duct is of utilitarian design and replaces an older existing duct. It is of similar design to other extraction ducts and although external to the building, can only be seen from adjoining rear gardens and the rear of nearby commercial buildings. In this respect, the context in which the flue is located is the rear of buildings which form part of Lewisham Town Centre and is one of a number of buildings which contains flues which are located to their rear. The applicants have sought to reduce its visual presence, which was one of the reasons for refusal of the previous scheme, by placing the vertical elements further from back gardens. Notwithstanding, it is considered appropriate that its visual impact is further mitigated by being painted matt black, and the application is conditioned to that effect.
- 6.15 Whilst Officers appreciate that the roof of this building and thereby the ducting, is visible from the adjoining Conservation Area, it is not considered that the increase in equipment, has a negative impact on the character and appearance of the adjoining heritage assets.
- 6.16 In addition, this building, like the other commercial buildings on site, is not of any architectural interest or importance such that its appearance is compromised by the provision of additional ventilation and extraction equipment. As stated previously, the development needs to be considered in its context which the rear of commercial properties which form part of the Lewisham Town Centre and a major shopping area. Understandably there is a balancing/judgement to be carried out given the design implications of the juxtaposition of commercial properties to residential/conservation area. Given the revised design and

mitigation in terms of finished treatment proposed, this application is considered to be acceptable in design terms.

*Impact on the amenity of neighbouring occupiers, including noise and odour*

- 6.17 London Plan Policy 7.15 states that development proposals should seek to manage noise by:
- a. avoiding significant adverse noise impacts on health and quality of life as a result of new development;
  - b. mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens on existing businesses;
  - c. improving and enhancing the acoustic environment and promoting appropriate soundscapes (including Quiet Areas and spaces of relative tranquillity);
  - d. separating new noise sensitive development from major noise sources (such as road, rail, air transport and some types of industrial development) through the use of distance, screening or internal layout – in preference to sole reliance on sound insulation;
  - e. where it is not possible to achieve separation of noise sensitive development and noise sources, without undue impact on other sustainable development objectives, then any potential adverse effects should be controlled and mitigated through the application of good acoustic design principles;
  - f. having particular regard to the impact of aviation noise on noise sensitive development;
  - g. promoting new technologies and improved practices to reduce noise at source and on the transmission path from source to receiver.
- 6.18 DM Policy 26 Noise and vibration states that the Council will require a Noise and Vibration Assessment for noise generating equipment, where appropriate, to identify issues and attenuation measures, prepared by a qualified acoustician. Where development is permitted, conditions may be attached to the planning permission to ensure noise insulation or other mitigation measures are undertaken.
- 6.19 There would be no physical impact on the amenities of neighbouring properties from the flue, and any visual impact could be mitigated by painting as discussed above.
- 6.20 However, it is recognised that extraction flues can give rise to noise and odour impact if not designed and attenuated appropriately. There are residential occupiers on all sides of the site, although those to the north are separated by the River Quaqy, those to the west by no. 12a and over 25m away, and those to the east by Clarendon Rise and at least 26m distanced; those dwellings to the south on Mercia Grove are the closest. The rear walls of these properties are at least 17m away, although Officers acknowledge that their rear gardens of 14m or 15m in depth are bounded by the south side of the application building.
- 6.21 The technical information submitted by the applicant (full details of which are in the Current Planning Application section and has been assessed by the Councils environmental health noise officers) demonstrate that the noise levels generated by the equipment (43dB) is 1dBA below the ambient background noise level of 44dB and as such unlikely to cause a nuisance.

- 6.22 British Standard BS4142 states: “Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context”. However, this is caveated by the need for the equipment to be turned off before 22:00 as not to cause any disturbance. In this respect officers recommend that a condition be added to limit the hours of operation to 21.00 which is half hour before the closing times of the temple (07:30 - 21.30).
- 6.23 For completeness the technical report also considers a further second vent, unconnected to the kitchen extract ducts, which enables the venting of incense. Officers concur with the submitted report, which has shown that any impact would be negligible.
- 6.24 Complaints submitted in relation to the application state that cooking odour is a nuisance. Several visits to the site by officers have not identified any undue odour concerns. The extraction ducts are designed with odour mitigating controls. In addition, it is to be noted the temple does not carry out deep fat frying or cooking. The menu comprises vegetable based meals prepared by boiling, soups and curried sauces. In this respect it is not considered that a significant odour issue is/would occur from this building. It is also noted that there are several other restaurants to the west and north of the site, albeit at a greater distance, which would cook foods considered to have a high odour risk (frying and grilling of heavily spiced foods), which may have been the source of any odours prior to the kitchen extract system being turned on.
- 6.25 Therefore, the proposal is considered to be acceptable having regard to impacts on neighbouring amenity.

## **7.0 Equalities Considerations**

- 7.1 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.2 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
  - (c) Foster good relations between people who share a protected characteristic and persons who do not share it.
- 7.3 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 7.4 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of

Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

- 7.5 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
  2. Meeting the equality duty in policy and decision-making
  3. Engagement and the equality duty
  4. Equality objectives and the equality duty
  5. Equality information and the equality duty

- 7.6 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

- 7.7 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

## **8.0 Conclusion**

- 8.1 Officers have considered the particular circumstances of the application against relevant planning policy set out in the Development Management Local Plan (2014), the Core Strategy (2011), London Plan 2015 (as amended) and the National Planning Policy Framework (2012).

- 8.2 It is considered that the installation of new ventilation and extraction equipment would be acceptable in principle and would not result in significant harm being caused to the building, the surrounds or to the amenities of neighbours.

## **9.0 RECOMMENDATION: GRANT PLANNING PERMISSION** subject to the following conditions:

- 1) The development shall be retained strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

KND/10/16/315; KND/ 10/ 16/ 315A; KND/ 10/ 16/ 315B; KND/ 10/ 16/ 315B;  
KND/ 10/ 16/ 315D; KND/ 10/ 16/ 315E; KND/ 10/ 16/ 315F; Noise Impact  
Assessment Received 21st October 2016

Design & Access Method Statement Received 3rd November 2016

Kitchen Extract Fan Acoustic Commissioning; Kitchen Extract Odour Comments Received 15th December 2016

Incense Fan Noise Measurements Received 6th March 2017

Reason: To ensure that the development is retained in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.

2) (a) The ventilation and extraction equipment shall be painted in black (RAL code 9005) with a matt finish.

(b) The scheme shall be retained in perpetuity in accordance with those details as approved.

Reason: To ensure that the development achieves the necessary high standard and detailing so that local planning authority may be satisfied as to the external appearance of the ventilation and extraction equipment and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policies 30 Urban design and local character and 31 Alterations/extensions to existing buildings of the Development Management Local Plan (November 2014).

3) No ventilation or extraction equipment shall be operated on the premises before 07:30 or after 21.00 on any day of the week.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration of the Development Management Local Plan (November 2014).

### **INFORMATIVES**

**Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.