

**Supplementary Information
Planning Committee on 8 June, 2010**

Item No.
Case No.

19
10/0455

Location 68 Walm Lane, London, NW2 4RA
Description Change of use from sandwich bar (Use Class A1) to cafe (Use Class A3) and installation of extract duct

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A further letter from one of the objectors has been received highlighting previous concerns regarding the noise levels that would be produced by the proposed extract ducting. In particular, the objector refers to existing noise problems that have arisen from the operation of an extract duct at a neighbouring property. These concerns have also been forwarded to Officers by Councillor Jones.

The issue of noise has already been addressed in the main report but Officers can reconfirm that the submitted proposals have been inspected by the Council's Environmental Health Unit and that it has been recommended that condition be attached to any permission requiring the submission of further technical details of the proposed extract system to ensure that any noise produced would be kept to a reasonable level.

The extract duct to the neighbouring property was erected in 2008 without benefiting from planning permission and the Council's Enforcement Officers are currently investigating this matter. Following its installation in 2008 the Council's Noise Nuisance Control Team responded to complaints relating to noise disturbance being caused by the duct. In response to the complaint work was carried out on the ducting to remedy this issue to the satisfaction of the Noise Disturbance Team. Subsequent complaints were later received in November 2009 although further instances of noise disturbance have not been observed.

Whilst acknowledging the history of noise disturbance relating to the extract duct to the neighbouring property and appreciating the concerns expressed by the objectors, the past behaviour of a third party cannot prejudice the outcome of the current application. Officers consider that the proposed planning conditions would be sufficient to ensure that any extract duct is installed to current standards in terms of noise.

Recommendation: Remains Approval.