

KG/JO/P07948  
17 March 2021

Planning  
London Borough of Lambeth  
PO Box 734  
Winchester  
SO23 5DG

Dear Sir/Madam,

**Town and Country Planning Act 1990 (as amended)**  
**A Planning Application for the installation of a new kitchen extract duct and associated roof plant in relation to the ground floor restaurant unit**

**Balance, 42 - 43 Lower Marsh, South Bank, London SE1 7RG**  
**Planning Portal Ref: PP-09640154**

On behalf of our Client and the Applicant, Balance Waterloo Ltd, we hereby submit a planning application for the installation of a new kitchen extract duct and roof plant in association with the ground floor unit. The requisite application fee of £462.00 has been paid via the Planning Portal on the day of the application's submission.

We enclosed the following documents in association with the application:

- Application Form
- CIL Form
- Site Location Plan
- Existing and Proposed Plans
- Acoustic Report

**Site Description & Context**

The site comprises a three storey building which is located on the corner of Lower Marsh and Tanswell Street. Since 2017, the ground floor commercial unit has been occupied by 'Balance'; a restaurant-café offering locally-sourced food alongside hot beverages consumed on-site and take-away. The upper floors are in office use (Class E).

The building is not listed; however it is within the Lower Marsh Conservation Area. Lower Marsh is acknowledged as an ancient route linking Westminster Bridge to Waterloo Road. Today Lower Marsh comprises a variety of uses from retail, restaurants, bars, hotels and offices. The Street is also lined with market food stalls, which add to the vibrancy of Lower Marsh.

**Architecture Planning Interiors**

Old Church Court, Claylands Road, The Oval, London SW8 1NZ

T 020 7556 1500

[www.rolfe-judd.co.uk](http://www.rolfe-judd.co.uk)

DD 020 7556 1510

E [katieg@rolfe-judd.co.uk](mailto:katieg@rolfe-judd.co.uk)

## **Relevant Planning History**

In February 2017, a Certificate of Lawfulness (ref. 16/07017/LDCP) was granted for '*Application for a Certificate of Lawful Use (proposed) with respect to the use of the property as a cold food takeaway (Class A1)*'.

Following the above Certificate of Lawfulness, a Planning Application (ref. 17/01979/FUL) and an Advertisement Application (ref. 17/01980/ADV) were submitted to the Council in April 2017 for the '*Installation of a canopy / awning together with alterations to the existing shopfront and ground floor facade. (Revision of 17/00770/FUL) (Planning and Advertisement Consent Applications 17/01979/FUL and 17/01980/ADV)*'. These applications were approved on 7<sup>th</sup> July 2017.

The following year in May 2018, a Planning Application was submitted for the '*Change of use of ground floor from shop (Use Class A1) to a mixed use (Use Class A1/A3)*' under application ref. 18/01985/FUL. However, the application was refused on 17<sup>th</sup> July 2018. The Applicant resubmitted the Planning Application again in August the same year with additional data of existing ground floor retail units on Lower Marsh. However, the Council refused the application on 8<sup>th</sup> November 2018 and subsequent Appeal was dismissed.

In October 2020, an Appeal (ref. APP/N5660/C/19/3236945) was allowed against an enforcement notice issued by Lambeth Council under Ground (a), and planning permission was effectively granted for the use of the ground floor for Class A3 use.

## **The Proposal**

This application seeks planning permission for the installation of a kitchen extract and associated mechanical roof plant in relation to the existing restaurant. The proposed extraction will be installed within an opening at ground floor via the kitchen and will discharge at roof level. The proposed extraction will be located on the south-east elevation (i.e. the rear of the building) which adjoins the school playground.

Prior to finalising the location and specification of the equipment, the Applicant proactively engaged with the school and they've since approved the Applicant's proposal ahead of submitting this application.

The proposed kitchen extraction and associated rooftop plant are designed to be within a discreet location, and it has been considered that the rear roof area is most suitable for the existing restaurant to carry out its operation successfully. As shown on the proposed plans, the materials of the new extract are to be black powder-coated, which is considered to be a sensible solution to mitigate any glare usually associated with traditional metal materials. For further details, please refer to the submitted plans.

### Noise Impacts

This application is accompanied by a Noise Impact Assessment, prepared by Acoustic Associates. The purpose of the Report is to assess the background noise levels and to understand whether there is any potential adverse noise impacts on any nearby sensitive properties as a result of the proposed kitchen extract equipment. The Report concludes the rated level of noise from the proposed new plant will meet and significantly better Lambeth Council's noise requirements.

## **Policy Considerations**

Lambeth's Local Development Framework comprises Lambeth Local Plan 2015, South Bank and

Waterloo Neighbourhood Plan, and the London Plan 2021. However we are aware the Council are currently reviewing their Draft Revised Lambeth Local Plan Proposed Submission Version 2020 prior to submission for independent examination (Stage Reg. 19). Therefore some of the draft policies may play a material consideration in assessing this application, which is further detailed below.

Lambeth's adopted and Draft Policy Q2 (Amenity) states development will be support if servicing equipment (i.e. plant and extracts) are located in visually inconspicuous locations and does not cause disturbance through its operation. In accordance with these policies the Acoustic Report confirms that the noise generated by the proposed equipment will not cause any material harm on the nearest noise-sensitive receptors which includes the 2<sup>nd</sup> Floor of 44 Lower Marsh. Additionally, it is confirmed that the view of the plant from the windows at the back of No. 44 will be screened by the corner of the upper floors of 42-43 Lower Marsh (the site).

In terms of design, the plant and extract equipment has been placed on the rear elevation which is a considered to be a less 'important elevation' in accordance with current Policy Q7 (Urban design: new development) and Policy Q11 (Building alterations), including Draft Policies Q7 and Q11. As noted above, the proposal includes high-quality black powder-coated materials, which is considered to be of quality design and does not materially impact on the architectural features of the existing building which is a neutral element (at best) within the conservation area, in accordance Policy Q11 and Q22 (Conservation areas).

Overall, the proposed installation of the new extract and plant equipment will allow for the restaurant unit to operate effectively as currently it is only served by an existing fan that vents through an opening in the wall currently towards the rear, and the plant itself is wholly internal. The purpose of the extraction and associated plant on the roof is to allow the restaurant to have a fully ventilated kitchen for primary cooking, which would significantly improve the kitchen facilities, and importantly would negate the need to extract through the ground wall flank elevations, which is likely to cause more harm to local amenity and air quality due to its low-level location.

### **Conclusions**

This application seeks planning permission for the installation of new extract and associated plant equipment in relation to the existing restaurant. The current facilities on-site do not provide adequate extraction and ventilation, therefore the purpose of this application is to improve the situation on-site which will allow the kitchen to work more effectively, and reduce the impact on local amenity..

The submitted Acoustic Report confirms that the proposed extraction will not have any material impact on any neighbouring noise-sensitive receptors, and therefore can be considered acceptable in accordance with the Council's adopted and draft policies.

We trust the information submitted is sufficient for your consideration and the application can be validated accordingly. Should you have any queries, please do not hesitate to contact the undersigned.

Yours sincerely

*Katie Gwilliam*

For and on behalf of  
Rolfe Judd Planning Limited