

Our Ref: 24138/SH/ta/mym
Your Ref: PP-12986653
Email: [REDACTED]

Broadwall House
21 Broadwall
London SE1 9PL

17 April 2024

London Borough of Barnet
2 Bristol Avenue
Colindale
NW9 4EW

Dear Sir/Madam,

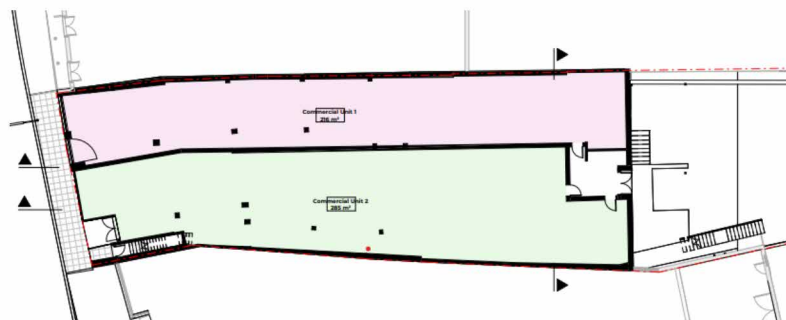
DISCHARGE OF CONDITION – FIVE GUYS, 144-146 HIGH STREET, BARNET EN5 5XP

Firstplan are instructed by Five Guys JV Ltd, to submit the enclosed application to discharge conditions 5 and 7 attached to planning permission ref: 24/0635/S73. The application has been submitted online via the Planning Portal (ref: PP-12986653) and the requisite fee of £215 has also been paid online.

Planning permission ref: 24/0635/S73 granted consent on 5 April 2024 for the “*Variation of conditions 4 (Deliveries) and 6 (Hours of Use) of planning permission reference 23/4378/FUL dated 07/02/24 for ‘sub-division and reconfiguration of the existing retail unit to create 2no. Retail units (Class E) and associated external alterations including the creation of a new front entrance and glazed infill extension to front elevation.’ Variation to include changes to wording of condition 4 to read ‘no deliveries shall be taken place to the site on any Sunday, Bank or Public Holiday or before 07:00 or after 18:30 on any other day.’ and condition 6 to read “the use hereby permitted shall not be open to members of the public before 8:00am or after 12:00am on weekdays, Saturdays, Sundays and Bank and Public Holidays.” To allow extended opening hours”.*

This application has been submitted to submit the necessary information for conditions 5 and 7 relevant to the Five Guys unit only. The location of the Five Guys unit per original planning permission ref: 23/4378/FUL is shown on drawing no. 144-146 HI-A-03-10 below. .

Image 1. Approved Subdivided Floor Plan - Planning permission ref: 23/4378/FUL



Condition 5 states:

“a) Prior occupation of the new units a report must be carried out by a competent acoustic consultant to assess the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels and has been submitted to and approved in writing by the

Local Planning Authority. The report shall include all calculations and baseline data and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) the measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.”

Per the requirements of this condition, a Plant Noise Impact Assessment (Project Reference: 92139 dated 13 March 2024) prepared by Noise Solutions Limited has been submitted with the application. The report deals with plant noise and confirms adherence to Condition 5. It is confirmed that Five Guys will operate as per the report.

It is considered that the requirements of Condition 5 can therefore be approved in relation to the Five Guys unit only.

Condition 7 seeks:

“a) Prior to the occupation a detailed assessment for the kitchen extraction unit, which assess the likely impacts of odour and smoke on the neighbouring properties is carried out by an approved consultant, this fully detailed assessment shall indicate the measures used to control and minimise odour and smoke to address its findings and should include some or all of the following: grease filters, carbon filters, odour neutralization and electrostatic precipitators (ESP). The equipment shall be installed using anti-vibration mounts. It should clearly show the scheme in a scale diagram and shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with details approve under this condition before first occupation or the use is commenced and retained as such thereafter.”

In accordance with Condition 7, a Specification and EMAQ Report (Dated 19 February 2024) prepared by Purified Air has been submitted. The Report includes a risk assessment of the odour and smoke from the proposed equipment, concluding that proposals are not considered to be a detriment to neighbouring properties.

The Plant Noise Impact Assessment (Project Reference: 92139 dated 13 March 2024) prepared by Noise Solutions Limited also confirms adherence with Condition 7.

On the basis of the above information, it is considered that Condition 7 should be approved in relation to the Five Guys unit only.

We trust that this information is sufficient to allow for the discharge of Conditions 5 and 7 of planning permission ref: 24/0635/S73. However, if you require any further information or would like to discuss these matters further, please do not hesitate to contact me.

Yours faithfully,



TITO AROWOBUSOYE
Associate