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Development Control
Planning Services
Camden Borough Council
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1st February 2013

Dear Sirs

Town and Country Planning Act 1990 (as amended)
3-7 Delancey Street and 3-4 Delancey Passage, NW1 7NL
Application for variation of planning permission

We act for Calyx Property Ltd and are instructed to submit an application under Section 73 of the Act for a variation of conditions 2 and 6 of the Permission dated 19 March 2007 (2006/2680P) as subsequently varied on the 31st March 2009 and again on 24th August 2011 (2011/3285/P - decision enclosed) and the removal of condition 1 from the latest planning permission. The applicant company has successfully traded for over a year since the planning permission was varied without any complaints.

The variation is to allow the premises to open between the hours of 09:00 to 00:00 Monday to Thursday and 09.00 to 03.00 Fridays and Saturdays. There is no change to the "start" time of 09:00 for the recital space or 08:00 for the café/restaurant use and no change on Sundays and Bank Holidays.

We enclose:

1. cheque in the sum of £195.00;
2. four copies of the application form;
3. copy of the Permission dated 19 March 2007, 31st March 2009 and 24th August 2011;

Condition 2 currently provides that "The café/restaurant use hereby permitted shall not be carried out outside the following times 23.30 to 08.00 on Mondays to Thursday, 01.00 to 08:00 Fridays and Saturdays and 22.30 to 08.00 on Sundays and Bank Holidays and no noise shall emanate from the premises within these times"

Condition 6 currently provides that "The music/recital use hereby permitted shall not be carried out outside the following times 23.30 to 08.00 on Mondays to Thursday, 01.00 to 08:00 Fridays and Saturdays and 22.30 to 08.00 on Sundays and Bank Holidays.

The purpose of the application is to extend the terminal hour by one hour on Friday and Saturday, whilst retaining the existing safeguards as regards noise and the extant planning conditions, save for those in relation to hours, which will be modified as summarised above.

The removal of condition 1 which reads – ‘live and recorded music shall not be played on the premises between 23.00 and 08.00 hours’.

The Site

3-7 Delancey Street (“the Premises”) is located in a busy Commercial area with a high ambient noise level both in respect of pedestrian and vehicle traffic.

The Premises are operating as a restaurant/café and music/recital space and are located in an area already established with late-night licensed premises. These include restaurants and Public Houses/bars. Some of these operate much later than the proposed hours for these premises. In the immediate vicinity there are two bars, O’Bar and the Crown and Goose, the first bar currently trades to 03.00 Monday to Saturday. The Crown and Goose, currently trades to 01.00 on Sundays to Thursdays and 02.00 on Friday and Saturday.

The Premises operate on the ground floor and first floors. The Acoustic report has analysed the ambient noise and projected levels to the hours applied for. The food and entertainment led use of the premises will not add to any cumulative effect of existing uses in the area. At the same time of applying for Planning Permission, a variation of the existing Premises Licence will be submitted, providing additional control.

Management Arrangements

There are no changes to the current operation or conditions.

Conclusion

The application, if granted, would only mean that the Premises are operating within hours in accordance with other similar premises in the area. There are management procedures and policies proposed to mitigate any potential nuisance that might otherwise occur. The variation and modest extension of the previously granted consent will not lead to any increased nuisance in respect of the local amenity.

Should you wish to have a site visit or discuss further, please do not hesitate to contact the writer, Alun Thomas.

Yours faithfully

Thomas & Thomas

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