

Mr Lee Smyth
54 Pemberton Gardens
London
N195RU

Application Ref: **2014/7463/P**
Please ask for: **Jonathan McClue**
Telephone: 020 7974 **4908**

6 February 2015

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted

Address:
33 York Rise
London
NW5 1SP

Proposal:

Variation of condition 3 (to allow trading up to 22:00hrs) of Planning Application ref. 2004/3799/P granted on 30/11/2004, for the Change of use from A1 (retail) to A3 (cafe/coffee shop).

Drawing Nos: Ordnance Survey 1:1250.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 For the purposes of this decision, condition no.3 of planning permission 2004/3799/P shall be replaced with the following condition:

Replacement Condition 3

No persons/customers shall be on the premises in connection with the use between 22.00 hours and 07.00 hours the following day and no sound emanating from this premise shall be audible within any adjoining premises between these



hours.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26, DP28 and DP12 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

1 Reasons for granting permission

The variation of condition 3 of planning application 2004/3799/P granted on 30 November 2004 to allow the existing A3 use to operate until 22:00 is considered acceptable as it would be in keeping with the opening hours of the surrounding commercial properties. The commercial properties, include uses such as retail and public houses which operate to similar or later hours. It is not thought that it would lead to any undue harm to neighbouring residents. Condition 2 of the existing permission restricts the cooking of food on the premises and that it should be run as a coffee shop. Therefore, the development would be similar in nature and impact to an A1 use which could operate here without restrictions on operating hours. The Environmental Health Officer has been consulted on the proposal and has no objections. Furthermore, while not a material planning consideration, the licensing panel have granted a license for the extended hours.

No objections have been submitted and the application has received 13 letters of support from local residents, 2 letters of support from Councillors and support from Dartmouth Park CAAC. The positive submissions relate to the proposal boosting the local area and independent shops whilst not harming neighbouring amenity. The sites planning history and relevant appeal decisions were taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies CS1, CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP10, DP12 and DP26 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with policies 2.15, and 4.7- 4.8 of the London Plan 2011; and paragraphs 14, 17 and 23 of the National Planning Policy Framework.

2 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions (and obligations where applicable) as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ed Watson', with a stylized flourish at the end.

Ed Watson
Director of Culture & Environment