

Amara Procter  
N P Design  
34 Brecknock Road  
London  
N7 0DD

Application Ref: **2016/6853/P**  
Please ask for: **Robert Lester**  
Telephone: 020 7974 **2188**

30 June 2017

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted**

Address:  
**181 York Way**  
**London**  
**N7 9LN**

Proposal:

Change of use from A1 (internet cafe) to A3 (cafe) at ground floor and basement levels, construction of rear chimney containing a kitchen extract flue, removal of marquee seating area and the reinstatement and reconfiguration of the car/cycle parking area to the rear and the removal of external decking seating area to the front (part retrospective).

Drawing Nos: YWCN/04, YWCN/01R, YWCN02/R4, YWCN/05, YWCN/06, YWCN/07, Design & Access Statement ref: YWCN/05, Noise Survey ref: 15833.PCR.01, Extract Silencer Detail, Extract Canopy/Fan Detail, Extract Fan and Carbon Filter Specification, GigaBox Fan Specification, Metal Cased Discarbs.

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

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.



Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: - YWCN/04, YWCN/01R, YWCN/02R4, YWCN/05, YWCN/06, YWCN/07, Design & Access Statement ref: YWCN/05, Noise Survey ref: 15833.PCR.01, Extract Silencer Detail, Extract Canopy/Fan Detail, Extract Fan and Carbon Filter Specification, GigaBox Fan Specification, Metal Cased Discarbs.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy, policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies and policies D1 and D2 of the London Borough of Camden Local Plan Submission Draft.

- 4 The restaurant (A3) use hereby permitted shall not be carried out outside the following times 07:00 - 23:00 Mondays - Fridays, 08:00 - 23:00 Saturdays and 09:00 - 22:00 Sundays, Public and Bank Holidays.

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, policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies and policies A1 and A4 of the London Borough of Camden Local Plan Submission Draft.

- 5 The external noise level emitted from plant equipment at the development hereby approved along with specified noise mitigation shall be lower than the lowest existing background noise level by 10dBA as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

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, policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies and policies A1 and A4 of the London Borough of Camden Local Plan Submission Draft.

- 6 Prior to the first use of the restaurant (A3) hereby approved, the extract/ ventilation system and ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

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, policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies and policies A1 and A4 of the London Borough of Camden Local Plan Submission Draft.

- 7 No music shall be played in the restaurant (A3) hereby approved in such a way as to be audible within any adjoining premises or on the adjoining highway.

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, policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies and policies A1 and A4 of the London Borough of Camden Local Plan Submission Draft.

#### Informatives:

- 1 Reasons for granting permission.

The site is located at 181 York Way close to the junction with Camden Road within the Camden Square Conservation Area. The site contains a three-storey building with a café at ground and basement level and residential flats above. The site is also adjacent to the borough boundary with LB Islington.

The application is part retrospective for the change of use of the ground floor and basement from A1 (internet cafe) to A3 (cafe), together with the construction of a new rear chimney containing a kitchen extract fan and the reinstatement and reconfiguration of the car parking area to the rear.

The site is located in a neighbourhood centre and would not result in less than 50% of ground floor premises being in retail use (8 of 14 units on the frontage would be retained in retail use following the development), or more than 3 consecutive premises being in non-retail use. The change of use would not affect the character, function, vitality and viability of the frontage and is acceptable in principle.

The café would be a small unit with a floor area of 80 sq.m at ground floor level and ancillary storage space at basement level. The proposed hours of operation would be until 11pm Mondays - Saturdays and until 10pm on Sundays. The marquee to the rear and raised decking area to the front would both be removed as a part of this application and no external seating is proposed to the rear (the applicant would need to apply for a tables and chairs license for seating to the front). A kitchen extract system for the café would be provided in a new chimney to discharge above the building at high level.

A noise survey has been submitted which shows that the café would operate without harm to local residents by reason of noise disturbance. The café would be located adjacent to 2 existing hot food takeaways. However, the proposed café would operate as a restaurant with internal seating and would have less impact than these two existing uses and would not result in an over-concentration of food and drink uses on this parade. The café would therefore not have a detrimental amenity impact on nearby residents.

The decking area to the front and marquee area to the rear would both be removed as a part of this application, which would enhance the appearance of the unit on the streetscene and the view of the area to the rear. The proposed chimney would be constructed from matching brick and render and would harmonise with the existing building.

The development proposes to reinstate the car parking area to the rear, which was granted as a part of the original permission for this site (which provided 4 off street spaces for the flats above). However, this would be modified involving a reduction to 2 off street car parking spaces and the provision of a turning area. This would reduce the impact on the local highway.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

The planning history of the site was taken into account when coming to this decision. Two objections were received from local residents, which have been taken into account.

As such, the proposed development is in general accordance with policies CS5, CS7, CS8, CS11 and CS14, of the London Borough of Camden Local Development Framework Core Strategy, policies DP12, DP16, DP17, DP24, DP25, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies and policies and policies A1, A4, D1, D2, TC1, TC2, TC4 and T1. The proposed development also accords with The London Plan 2016 and the National Planning Policy Framework.

- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 3 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel.

No. 020 7974 4444 or on the website  
<http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

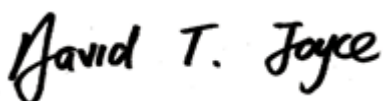
- 4 Your attention is drawn to the need for compliance with the requirements of the Environmental Health regulations, Compliance and Enforcement team, [Regulatory Services] Camden Town Hall, Argyle Street, WC1H 8EQ, (tel: 020 7974 4444) particularly in respect of arrangements for ventilation and the extraction of cooking fumes and smells.
- 5 You are reminded that filled refuse sacks shall not be deposited on the public footpath, or forecourt area until within half an hour of usual collection times. For further information please contact the Council's Environment Services (Rubbish Collection) on 020 7974 6914/5. or on the website  
<http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-street-environment-services.en>.

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



David Joyce  
Director of Regeneration and Planning