

CONSULTATION SUMMARY

Case reference number(s)

2021/3936/P

Case Officer:

Amy Ly

Application Address:

Lumi Cafe
82 Camden High Street
London
NW1 0LT

Proposal(s)

Retrospective application to change the use of the ground and basement unit from a mixed A1 (retail), A3 (cafe) and A4 (bar) Sui Generis use to Class E (b) and retention of air-conditioning unit on the rear at first floor level and a cooking extract grille at the rear.

Representations

Consultations:	No. notified	0	No. of responses	3	No. of objections	2
					No of comments	1
					No of support	0

Summary of representations

(Officer response(s) in italics)

A site notice was displayed on 27/10/2021 and expired on 20/11/2021.

A press notice was displayed on 28/10/2021 and expired on 21/11/2021.

Camden Town Conservation Area Advisory Committee raised no objections but commented that they trust the applicants would apply for planning permission before continuing with further works.

Two neighbours have objected to the proposed scheme on the following

grounds:

- Poor internal condition of building
 - The application building is not a listed building and therefore the internal fabric and internal condition are not material considerations.
- Adverse impact on neighbouring properties in terms of noise involving extraction system and change of use.
 - *In terms of noise and vibration, the submitted report demonstrates compliance with the Council's noise standards. The Council's Environmental health officer is satisfied that the appropriate noise guidelines have been followed within the report such as Noise Policy Statement for England, National Planning Policy Framework (NPPF), Planning Practice Guidance on Noise, Camden Council's Local Plan, version June 2017 and BS 4142:2014. The calculations show that the noise emission levels of the plant strategy meet the Local Authority criteria during the operating period and should not have an adverse impact on the nearest sensitive receivers. Conditions are attached to the permission which ensure that noise emitted would be below background noise.*
 - *The proposed change of use from mixed A1 (retail), A3 (cafe) and A4 (bar) Sui Generis use to Class E (b) is permitted as the former A1 and A3 is covered by the new Class E. It is considered that the loss of the retail use and retention of approved operating hours would not raise concerns in terms of material noise impact. The site would continue to operate as a café/bar in a predominately commercial area and therefore there would not likely be a detrimental additional impact considering the existing impact.*
- Significant harmful impact on neighbouring occupiers in terms of odour and fumes.
 - *In terms of odour, the submitted odour assessment also meets the Council's local plan guidelines. Based on the results, the odour exposure is considered to be 'Low Risk'. To reduce the potential effect of the odour on the receptor, further dispersion of the exhaust air is required. Officers have secured revisions to the proposal for an external duct and cowl to be installed at the and directed eastwards at the eaves height in order to reduce the potential effect of the odour on the receptor. The*

Council's environmental health officer has assessed the revised scheme and raised no objection.

- Incorrect certificate of ownership signed.
 - *The applicant has been made aware that they had signed the incorrect certificate of ownership upon submission. They have now signed and submitted the correct certificate (B), and the applicant has confirmed that they have given sufficient notice to the legal owner(s). The consultation period was subsequently extended until 10/12/21.*
- Proposal is contrary to previous permission granted for 'no cooking on premises'.
 - *The previous planning permission granted by the Council with ref: 2018/0107/P dated 9 November 2018 was for proposed 'Change of use of existing ground floor unit from retail (Class A1) to mixed A1 (retail), A3 (cafe) and A4 (bar) Sui Generis use.' Although the decision notice states that no cooking will occur onsite, there are no conditions which suggest that onsite cooking is not permitted, or will not be granted permission in the future. The status of the application building remains as a mixed A1, A3 and A4 Sui Generis use until the current permission is implemented. Officers have assessed the current change of use application alongside consideration of relevant planning history on the site, and are satisfied that it would be acceptable.*
- Noise and Odour reports are not accurate.
 - *The applicant has confirmed that the data used in the Noise and Odour reports for the proposed retention of the kitchen extract system has considered the sound levels and fumes emitted to the nearest residential receptor, which is approximately 5 meters west of the extraction flue. Environmental health officers have assessed this information and consider it acceptable subject to three compliance conditions.*
- Structural impact on application building and lack of noise mitigation
 - *Structural standards and compliance are covered separately by Building Regulations. Three compliance conditions are attached to the permission which would ensure that noise emitted from the plant system is in accordance with the*

<p><i>Council's guidelines. There is also a separate enforcement case on the site which is dealing with noise and odour impacts. Land ownership and access to party walls, floors and ceilings are a civil matter.</i></p>
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Recommendation:-

Grant conditional planning permission