

Application ref: 2021/3936/P
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Date: 7 July 2022

Development Management
Regeneration and Planning
London Borough of Camden
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WC1H 9JE

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Sebouh Architects
55 Salisbury Walk
London
N19 5DS

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Lumi Cafe
82 Camden High Street
London
NW1 0LT

Proposal:

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.

Drawing Nos: (25)M-401 Rev B; 20212483M483C/1 (Odour impact assessment report); efam air Lumi ventilation proposal; Cover letter (dated 19/07/21); B1031-AF-00001-01 (Attended BS4142 noise assessment)

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

(25)M-401 Rev B; 20212483M483C/1 (Odour impact assessment report); efam air Lumi ventilation proposal; Cover letter (dated 19/07/21); B1031-AF-00001-01 (Attended BS4142 noise assessment)

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 D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 The external noise level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the lowest existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with the machinery operating at maximum capacity.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from mechanical installations/ equipment in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 5 Prior to use, machinery, plant or equipment 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 ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017

- 6 The operation, and maintenance of the odour abatement equipment and extract system, including the height of the extract duct and vertical discharge outlet, must be in accordance with the 'EMAQ+Control of Odour and Noise from Commercial Kitchen Exhaust Systems and suggested mitigation form odour assessment 20212483M483C, dated 21 October 2021. Approved details shall be implemented prior to the commencement of the use and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by cooking odour

Informative(s):

1 Reasons for granting permission.

The proposal involves the retrospective change of use of the ground floor and basement unit from a mixed retail, café and bar use, to a commercial restaurant/café without the retail element. At the time of the application submission, the previous uses fell across Use classes A1, A3 and A4. It would now fall within the broader Use Class E. The new use as a restaurant/café falls within Class E (b). No external alterations have been proposed for this part of the proposal, except the extraction plant.

The loss of the existing retail element (formerly class A1, now class E) at ground level would not affect the vitality of Camden High Street and Camden Town Town Centre. There are multiple retail stores, cafes and bars on the High Street at ground level and so the provision of café/bar is appropriate for the context of the Town Centre. It also complies with policies E1 and TC4 of the Camden Local Plan 2017 which support the provision of businesses for economic growth and food/drink services for town centre uses.

An existing soil vent pipe to be proposed to be retained and would be situated at the rear on the north west elevation. The area to the rear of the property, is a small area enclosed on all sides by existing commercial buildings. The apartment above 82 Camden High Street overlooks this area, however the development would not cause material harm to the building, reduce neighbour outlook to a material degree, or harm the character or appearance of the conservation area.

In terms of noise and odour impact from the proposed kitchen extract system, a noise/vibration assessment and odour assessment have been submitted and officers are satisfied that subject to conditions 4, 5 and 6, suitable control is proposed to ensure that material noise and odour nuisance would not occur. Revisions were secured to reduce the potential effect of the odour on the receptor. The external duct and cowl would be installed so that the exhaust is dispersed at first floor level.

Two objections were received prior to making this decision, which are fully addressed in the consultation summary. The Camden Town CAAC raised no objection but made a comment, which is also noted in the consultation summary. The planning history of the site has been taken into account when coming to this decision.

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 Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

As such, the proposed development is in general accordance with policies A1, D1, D2, TC1, TC2, TC4 of Camden Local Plan 2017. The development would also accord with the National Planning Policy Framework 2021 and the London Plan 2021.

- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that 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, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 3 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 4 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

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 must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

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

Yours faithfully



Daniel Pope
Chief Planning Officer