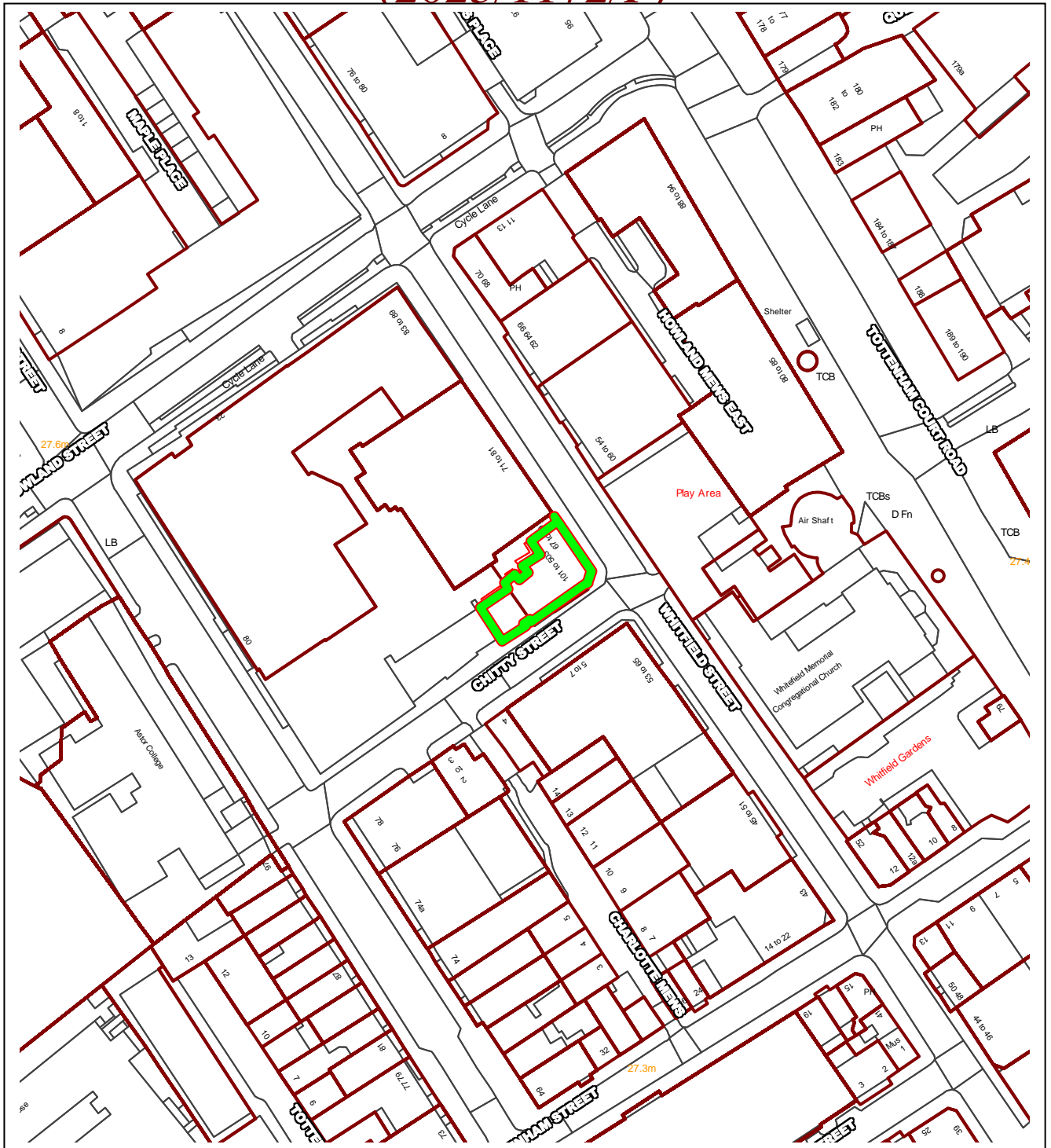


67 Whitfield Street, London, W1T 4DE (2023/1172/P)



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Site photos: 67 Whitfield Street (2023/1172/P)

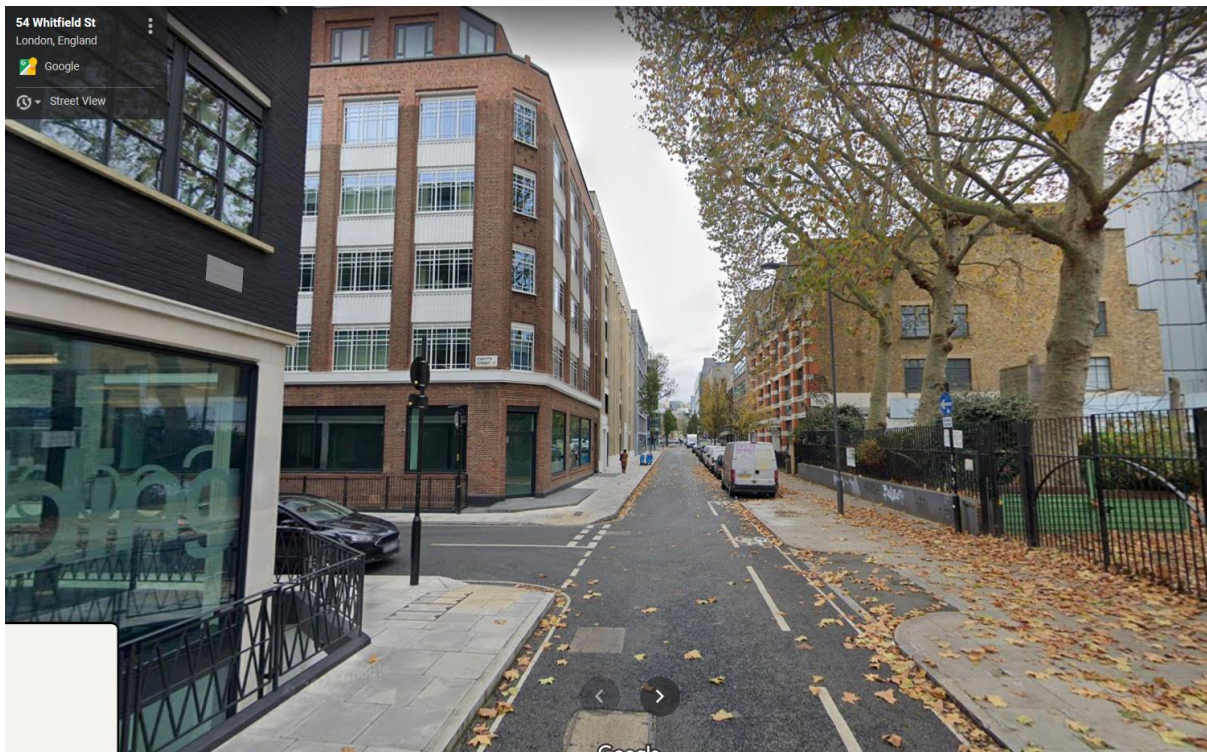


Photo 1 (above): View of no. 67 Whitfield Street on the corner of Whitfield Street and Chitty Street from Whitfield Street



Photo 2 (above): View of the ground floor commercial unit from Whitfield Street looking east towards Chitty Street



Photo 3 (above): View of the undercroft area with the ground floor unit beyond



Photo 4 (above): Visualisation of the frontage of the restaurant

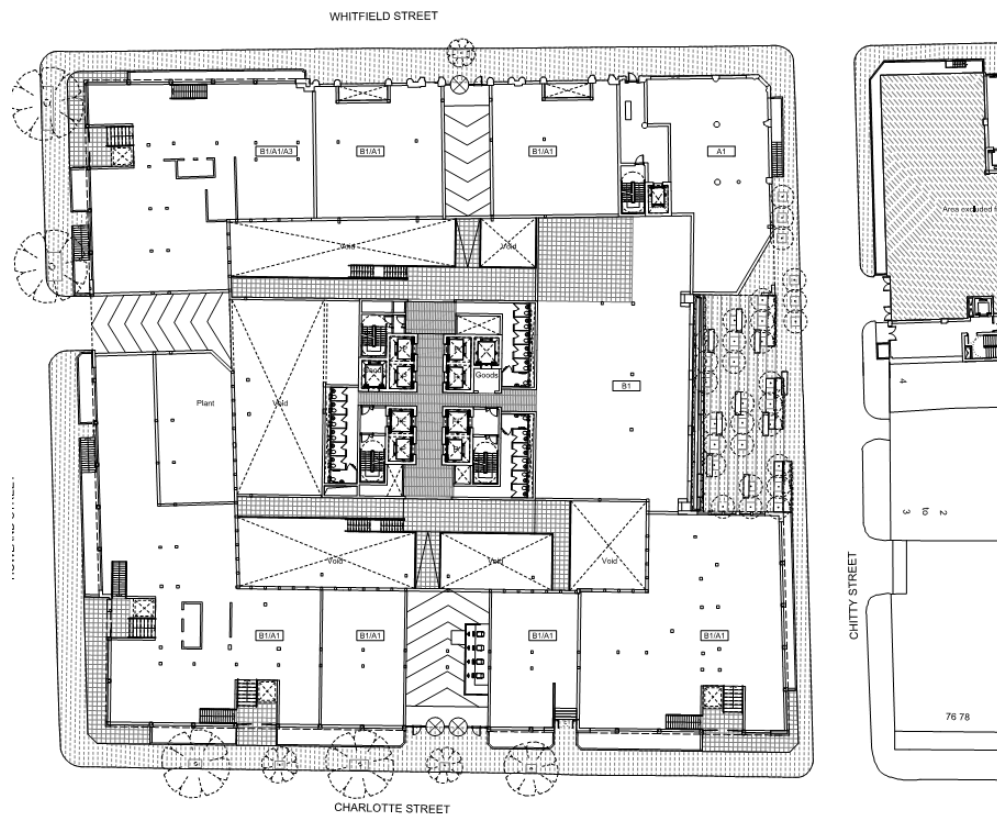


Figure 1: (Above) Ground floor plan approved under planning permission 2010/6873/P for 80 Charlotte Street

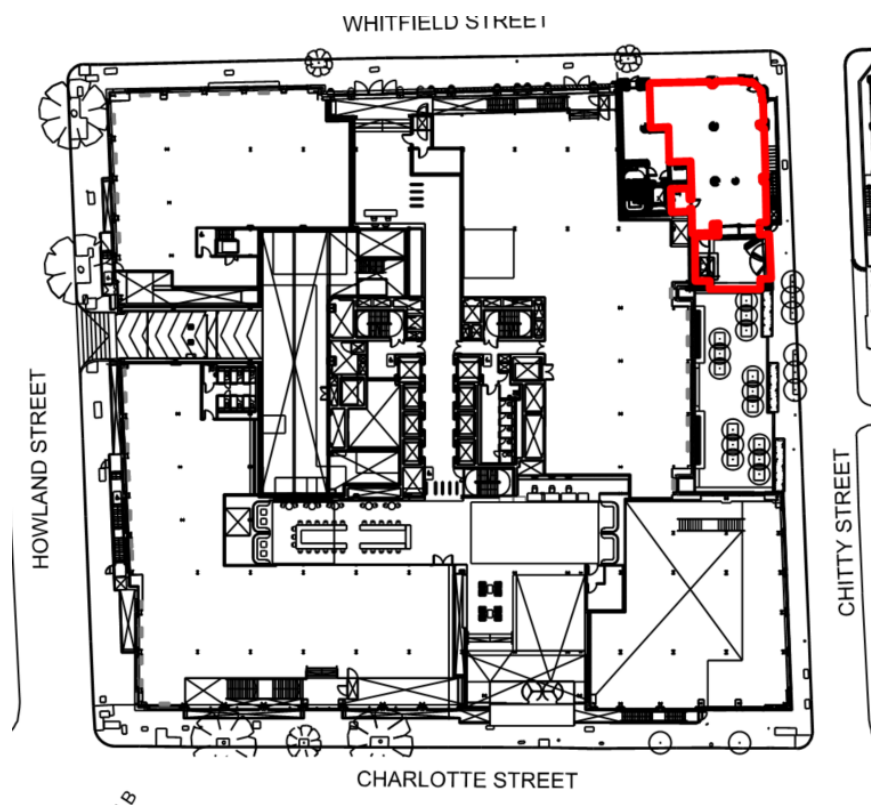
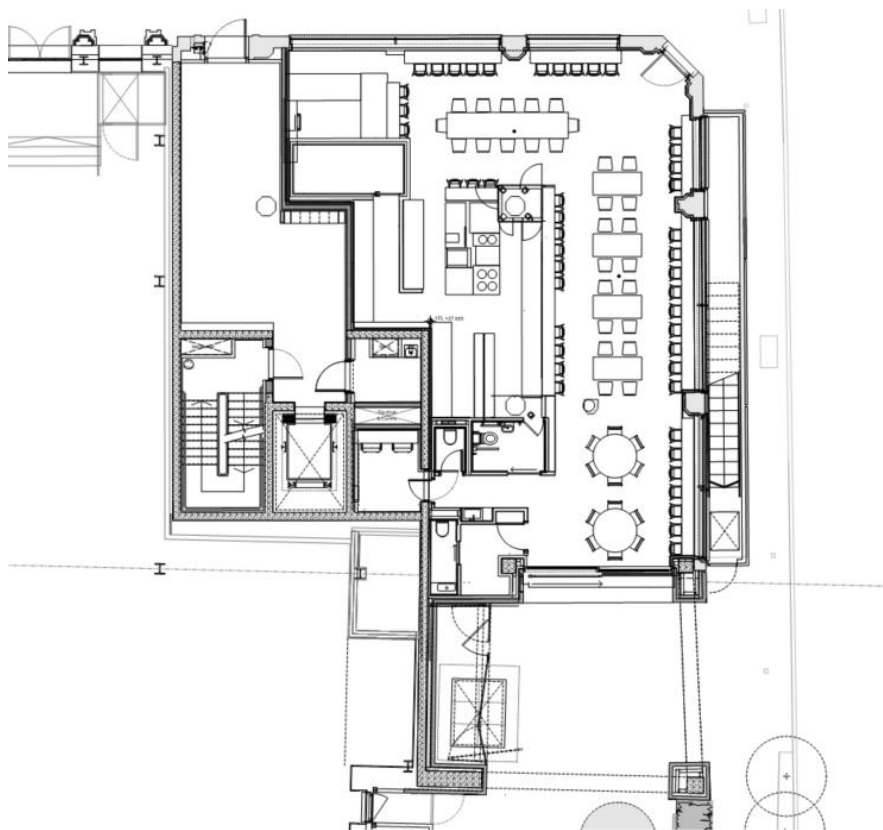
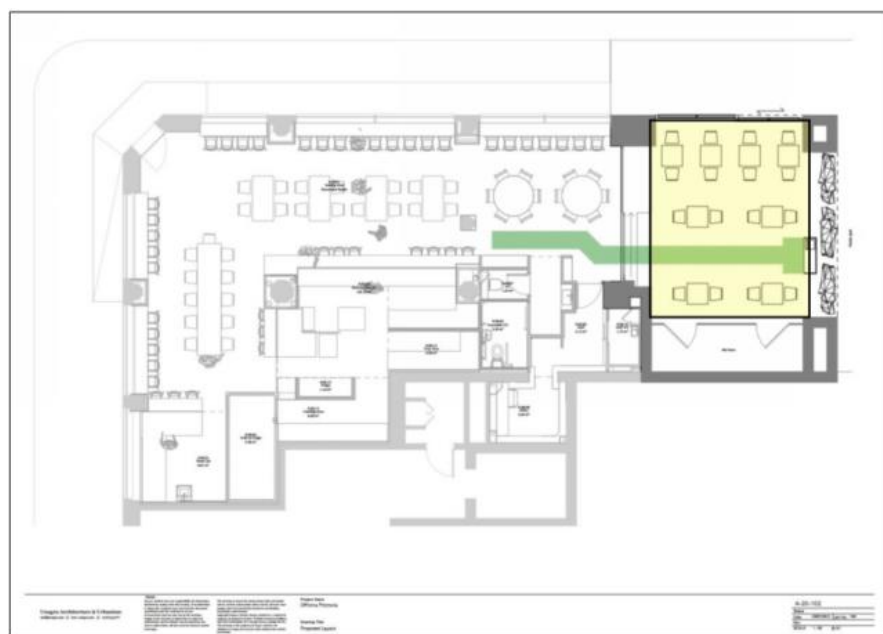


Figure 2 (above): Proposed ground floor plan outlining the site in red



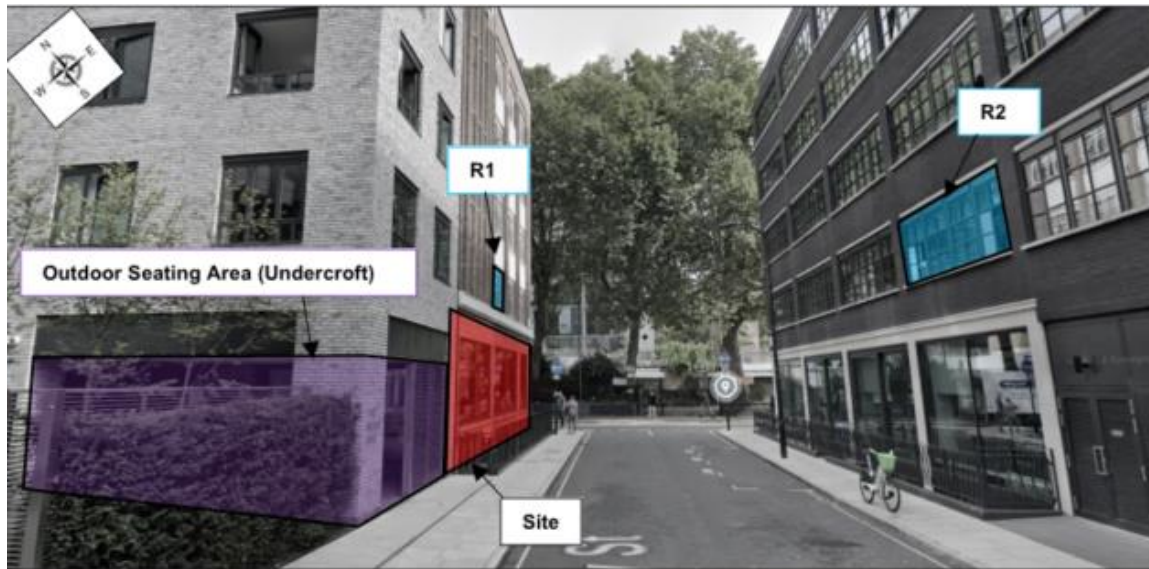
67-69 WFS - Level 00 General Arrangement Plan

Figure 3 (above): General arrangement of the ground floor restaurant and proposed external seating area



Proposed Layout Showing the Outdoor Seating Area (Drawing ref. A-20-103 Provided by Derwent London)

Figure 4 (above): General internal arrangement of the ground floor restaurant and proposed external seating area



Plan Showing Receptors R1, R2, and Restaurant + Outdoor Seating Area (Map Data © 2023 Google Map)

Figure 5 (above): Locations of closest residential sensitive receptors where noise measurements were conducted

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	15/05/2023
		N/A / attached		Consultation Expiry Date:	28/05/2023
Officer			Application Number(s)		
Elaine Quigley			2023/1172/P		
Application Address			Drawing Numbers		
67 Whitfield Street London W1T 4DE			See draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Use of the undercroft area as outdoor seating in association with the restaurant use at 67 Whitfield Street for a temporary period of 18 months.					
Recommendation(s):		Grant temporary conditional planning permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	08	No. of objections	07
			No. Electronic	00		
Summary of consultation responses:	Multiple site notices were displayed from 28/04/2023 to 22/05/2023 and a press notice was published on 04/05/2023 which expired on 28/05/2023.					
	<p>SUPPORT</p> <p>1 letter of support was received from a local resident advising the following (summary)</p> <p><u>Management</u></p> <ul style="list-style-type: none">• Restaurant is well run and customers behave well• Should assist family-run businesses <p>OBJECTIONS / CONCERNS</p> <p>7 letters of objection received from local residents from Flat 3, 3/4 Chitty Street (2 letters from same address), Flat 2, Flat 10, Flat 12 and Flat 15 Elisa Court, Chitty Street, and 20 Beaconsfield Road raising the following concerns (summary):</p> <p><u>Use</u></p> <ul style="list-style-type: none">• Understand this is a public space not commercial space <u>Officer response: Please refer to paragraph 4.1 to 4.3</u> <p><u>Noise and disturbance:</u></p> <ul style="list-style-type: none">• Create noise and disturbance on a very narrow mainly residential street particularly during closing and will impact on sleeping patterns <u>Officer response: Please refer to section 5.0 Amenity</u>• Hours of operation are too long and unreasonable <u>Officer response: Please refer to paragraph 5.4 to 5.5</u> <p><u>Other issues</u></p> <ul style="list-style-type: none">• Sell alcohol which people will consume opposite a primary school playground which is not ideal <u>Officer response: The restaurant use is authorised. Selling of alcohol is controlled through its premises license.</u>• Attracting smokers to mews or entrance to Elisa Court which could also encourage local homeless and possible substance abusers as well as existing Deliveroo drivers who congregate <u>Officer response: Please refer to section 6.3</u>					
CAAC/Local groups* comments:	Charlotte Street Association (CSA) – objects					
Charlotte Street Association	<p>Location of residential in quiet street</p> <ul style="list-style-type: none">• 73 flats within the immediate vicinity (Chitty Street) with 20 flats above 67 Whitfield Street. Chitty Street is a quiet street <u>Officer response: Please refer to section 5.0 Amenity</u>					

Undercroft area (Noise)

- The undercroft is open to the street thus noise will easily escape to residential flats opposite on Chitty Street.

Officer response: Please refer to section 5.0 Amenity

- Although there is a full height metal sliding louvre screen within the opening to the undercroft fronting Chitty Street it is fixed open would not prevent noise escaping. Hard surfaces of the undercroft would result in an “echo chamber” projecting and increasing the noise levels.

Officer response: Please refer to paragraphs 5.8 to 5.11

- Concentration of 20 customers in the undercroft likely to generate great deal of noise

Officer response: Please refer to paragraphs 5.10 to 5.11

Premises license (preventing noise) will not be complied with

- The following conditions to existing premises licence will not be complied with:
 - (a) Condition no. 40 – requires no tables and chairs for customer use on Chitty Street) which ensures noise is contained within the restaurant. Use of the undercroft as a seating area will have a similar effect to tables and chairs on Chitty Street pavement as the undercroft is open and will easily transmit noise.
 - (b) Condition no. 43 – requires sliding doors from restaurant to outdoor space to remain closed save for entry and egress) which prevents noise break out from the restaurant. If the undercroft is used as a seating area these doors would be constantly left open as they will be used by both customers and staff to enter and leave the restaurant and will allow noise break-out from the main restaurant premises, thereby affecting amenity of nearby flats

Officer response: Please refer to paragraph 6.1

Contrary to Fitzrovia Area Action Plan (FAAP)

- One of the FAAP objectives is to maintain quiet street (pg 27). Chitty Street is a quiet residential street. The importance of this is to ensure that permanent residential community is able to continue to live in Fitzrovia which is one of its main characteristics

Officer response: Please refer to section 5.0 Amenity

Site Description

The site is located on the south side of Whitfield Street on the junction with Chitty Street that runs to the south. It comprises a 5 storey building that incorporates the ground floor commercial unit that has permission for restaurant use (Class E use) with 19 new residential units on the upper floors. The site is within the curtilage of 67 Whitfield Street which is part of the larger development block at 80 Charlotte Street that has been redeveloped for mixed commercial and residential use.

The undercroft area to the rear of the restaurant is enclosed on 2 sides that leads to the Poets Park that fronts Chitty Street. Having checked the planning history associated with no. 80 Charlotte Street the undercroft has no specified authorised use.

The building is identified as a positive contributor and lies within the Charlotte Street conservation area. To the south east of the site lies 65 Whitfield Street that comprises a commercial unit on the ground floor with residential units above. To the south lies no. 4 Chitty Street and nos. 2-3 Chitty Street.

The site lies within the Fitzrovia Area Action Plan area but is not located within the primary or secondary shopping frontage. It also lies within the Central London Area and Central Activities Zone.

Relevant History

Planning permission was **granted** on 04/05/2012 (ref 2010/6873/P) following call in by the Mayor of London on 27/06/2011 for creation of additional floorspace through the infilling of the existing courtyard, the extension of the existing basement, seven storey extension to the Chitty Street elevation and the construction of two additional storeys (creating a nine storey building in total, with existing buildings to be partially demolished) in association with the existing office use (Use Class B1); the creation of new public open space, change of use from office (B1) to create flexible units at ground and lower ground floor levels (Class B1, A1 or A3 use); and the change of use and extensions to 67-69 Whitfield Street to create 19 residential units (Use Class C3) all to the site bounded by Chitty Street Charlotte Street, Howland Street and Whitfield Street; erection of two additional floors and the partial change of use from office (Class B1) to residential (Class C3) to create 36 residential units; demolition of existing building and erection of a 3 storey residential (Class C3) building at 14 Charlotte Mews and other works incidental to the application.

Planning permission was **granted** on 30/03/2016 (ref 2015/7017/P) for variation of condition 2 (approved drawings) granted under reference 2010/6873/P dated 04/05/2012 for mixed use redevelopment of site; to demolish post war buildings on Charlotte Street, Chitty Street, Howland Street and part Whitfield Street and erection of new mixed use buildings, similar to those approved with minor façade and basement alterations.

Non-material amendment was **granted** on 11/05/2018 (ref 2018/2095/P) for variation of condition 2 (approved drawings) granted under ref 2010/6873/P dated 16/03/2012 for mixed use redevelopment of site, to demolish post war building on Charlotte Street, Chitty Street, Howland Street and part Whitfield Street and erection of new mixed use buildings as amended by a minor material amendment on 30/03/2016 ref 2015/7017/P, to include (1) removal of a secondary entrance on Charlotte Street and continuation of the existing lightwell / glazed bay condition (2) revision to solar thermal panel arrangement (3) revised lift overrun (4) revised AHU at roof level (5) adjustment of louvres at roof level (6) facade, terrace level and lightwell level door and window rationalisation (7) refinement to brick weave due to incorporate structure behind (8) Chitty Street gate design (9) adjustment of pocket park louvres (10) integration of rainwater pipes in the façade (11) new roller shutter door at loading bay (12) amendments to the roof plant access point at 67-69 Whitfield Street with removal of a small staircase (13) addition of a small balustrade behind the parapet at 67-69 Whitfield Street.

Planning permission was **granted** on 27/05/2021 (ref 2020/5930/P) for change of use of a ground floor retail unit (Use Class A1) to restaurant use (Use Class E) at 67 Whitfield Street, and enlargement of 1 extract louvre on the ground floor southern elevation of the unit. Conditions were attached to the permission to control the hours of use (Condition 4), to control the hours that the sliding doors

between the unit and the undercroft should be shut (Condition 7) and noise from music and general noise from the use (Condition 5 and 6).

Relevant policies

National Planning Policy Framework 2023

London Plan 2021

Camden London Plan 2017

DM1 Delivering and monitoring

A1 Managing the impact of development

A4 Noise and vibration

D1 Design

D2 Heritage

TC2 Camden's centres and other shopping areas

Fitzrovia Area Action Plan (March 2014)

Principle 9 Residential amenity

Camden Planning Guidance 2021

Amenity (January 2021)

Design (January 2021)

Town Centres and Retail (January 2021)

Charlotte Street Conservation Area Appraisal and Management Plan (2008)

Assessment

1.0 BACKGROUND:

1.1 Planning permission was **granted** (ref 2020/5930/P) on 27/05/2021 for the change of use of a ground floor retail unit (Use Class A1) to restaurant use (Use Class E) at 67 Whitfield Street and enlargement of 1 extract louvre on the ground floor southern elevation of the unit. Several conditions were attached to manage the use including controlling the hours of operation of the restaurant and the noise associated with it (conditions 4, 5 and 6). A condition was also attached to manage the times that the sliding doors between the restaurant and the undercroft would remain shut to minimise possible noise and disturbance from the customers eating in the restaurant into the undercroft area. The condition limited to use of the sliding doors to between 9pm to 9am in the morning. Earlier access to this area from 9am is required by staff in order to access the bin stores which are located within the rear part of the undercroft area. The proposal seeks to extend the hours that the sliding doors would remain open until 10pm in line with the closing time of the external seating area.

2.0 PROPOSAL:

2.1 Permission is sought for use of the undercroft area as an outdoor seating area in association with the restaurant use at no. 67 for a temporary period of 18 months. The undercroft measures approximately 126 sq. m. It is proposed to use the space for seating for not more than 16 customers at a time. It is envisaged that at least 2 members of staff would be on the premises whenever the outdoor seating area is operating with one member of staff remaining outside within the undercroft area. The use of this space would only be for table service. It would not be used for 'standing up' drinking.

2.2 The hours of use of the approved restaurant and the proposed seating area are detailed in the Table 1 below:

Approved Restaurant Use		Proposed External Seating Area	
Days	Hours of use	Days	Hours of use
Monday to Friday	07:30am to 11:00pm	Monday to Saturday	11:00am to 10:00pm
Saturday	09:00am to 11:00pm		
Sunday	09:00am to 5:00pm	Sunday and Bank	11am to 5pm

Table 1 (above): Table showing approved opening hours of restaurant and hours of use of the proposed seating area

2.3 The applicant has also shown their willingness to agree to a number of parameters to ensure that the use of the seating area would not cause disturbance to neighbours. These include accepting a temporary permission to trial the use of the seating area for 18 months (to include 6 months set up time) to demonstrate that the successful management of the space can be achieved without harmful impacts to the amenity of neighbouring residential occupiers and securing a condition for a noise management plan.

2.4 No new lighting is proposed within the undercroft area. Refuse collection would be as per the existing arrangements for the restaurant. Initially it was envisaged that tables and chairs would be stored within the restaurant during the night time for security purposes. The applicant has now confirmed that the tables and chairs would be retained within the undercroft overnight as this would minimise any noise from removing the tables and chairs.

Additional information:

2.5 Following consultation summary which raised queries about the noise from the external seating area and the management of the area the following additional information has been submitted:

- Outdoor seating noise impact assessment and addendum
- External seating note
- Noise management plan

3.0 ASSESSMENT:

3.1 The material planning considerations in determining the application are considered to be as follows:

- Land use
- Amenity
- Other issues

4.0 LAND USE

4.1 The authorised use of the undercroft area is not clear. Local residents believe that the undercroft is a public space not a commercial space. Having checked the history of the site it appears that the undercroft area (outlined by a dashed red line below) originally formed part of a larger ground floor retail unit (see figure 1 below).

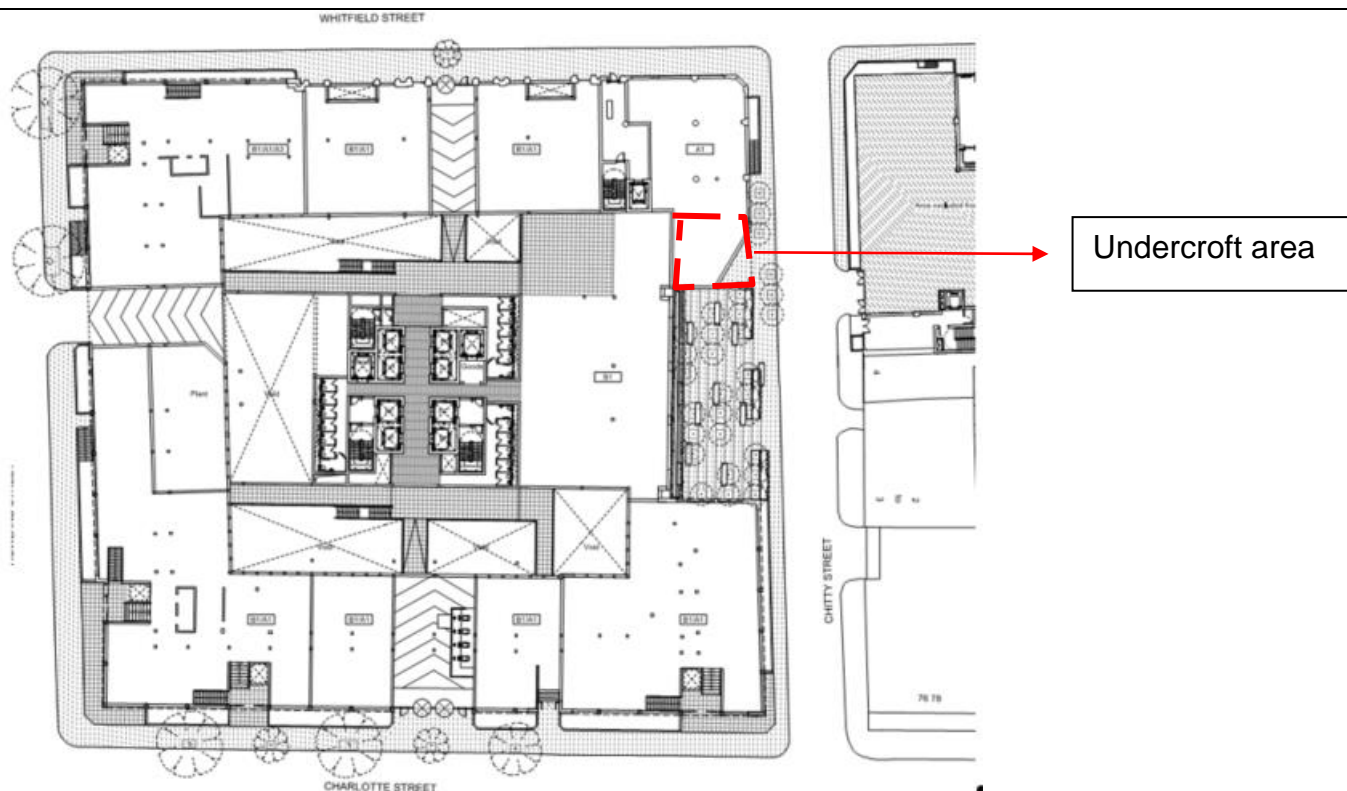


Figure 1: (Above) Ground-floor plan approved under planning permission 2010/6873/P for 80 Charlotte Street

4.2 Following a number of amendments to the original 2010 scheme the area has remained as an open area providing access to a UKPN substation (see 'Access' section below), providing access to the bin store for the ground floor commercial unit. The existing and proposed plan submitted as part of this application shows the layout of this part of the wider site known as 80 Charlotte Street as constructed. It appears that the undercroft has no specific use but the original intention for the use of the space was not as public space but as part of the commercial uses within the site.

4.3 The use of the undercroft area as an external seating area associated with the authorised restaurant use is acceptable in land use terms providing it does not cause unacceptable harm to the local area or the amenity of neighbours.

5.0 AMENITY

5.1 Policy A1 seeks to protect the quality of life of occupiers by only granting permission for development that would not harm their amenity. The main factors which are considered to impact the amenity of neighbouring residents are noise and smells from the proposed restaurant.

Privacy, outlook, daylight and sunlight

5.2 The external works would not include any extensions and would not harm the amenity of the neighbouring occupiers in terms of loss of privacy, outlook or daylight and sunlight and would be considered acceptable.

Noise

5.3 Policy A4 seeks to ensure that residents are not adversely impacts upon by virtue of noise or vibrations. Concerns have been raised by the CSA and the residents of neighbouring properties, mainly along Chitty Street, about noise and disturbance from the use of the undercroft due to its location on Chitty Street which is a narrower quieter residential street, its open nature and the general noise associated with customers using an external seating area. The sensitive receptors are the residents of the nearest dwellings to the site – the flats above the ground floor unit in 69 Whitfield Street, the flats opposite the site on Asta House, 65 Whitfield Street, 5 Chitty Street (directly opposite the undercroft area) and nos. 2-3 Chitty Street to the southwest.

Hours of use

5.4 The proposed hours of use of the external seating area are as follows:

Proposed External Seating Area	
Days	Hours of use
Monday to Saturday	11:00am to 21:00 for customers using the space with 1 hour for customers to finish their food and drink and cleaning and clearing by staff to 22:00 hours
Sunday and Bank Holidays	11am to 17:00 hours for customers to finish their food and drink and cleaning and clearing by staff to 18:00 hours

Extract from Table 1 above showing hours of use of the proposed seating area

5.5 Concerns have been raised by local residents about the long open hours late into the evening. The 2020 planning permission for the change of use included a condition relating to hours of opening of the restaurant from 07:30 to 23:00 hours on Mondays to Fridays; 09:00 to 23:00 hours on Saturdays, and 09:00 to 17:00 on Sundays. It also included a condition to restrict the hours that the sliding doors from the restaurant to the undercroft area would remain open from 09:00am to 21:00 hours. The proposal seeks to extend this time period by 1 hour from 21:00 hours to 22:00 hours. The tenant has suggested that food and drink be served up to 21:00 hours. Customers would be able to finish their food and drink after this time but no further service would take place or drinks served after 9pm with the area to be cleaned and cleared by 22:00 hours. This would give sufficient time for the evening service to finish using the external seating area and allow ample time for staff to clean and clear up the area. It is noted that Chitty Street is a quieter residential street which doesn't have the same commercial bustle as Whitfield Street. Use of the external seating area between 11am and 21:00 hours (with ability for customers being able to finish their food and drink until 22:00 hours) between Monday to Saturday is considered a reasonable time for customers to use the space in this central London location with 1 hour for the staff to clear the area until 22:00 hours. It is considered that the proposed opening hours will limit the possible impacts of noise and disturbance to neighbouring occupiers and the area generally. A condition would be attached to secure these hours of use and to extend the use of the sliding doors to 22:00 hours.

Noise transference

5.6 The proposed seating area would be under the flats at 69 Whitfield Street. Insulation measures were conditioned as part of the 2020 permission for the change of use to ensure that appropriate sound insulation would be installed between the restaurant and the flats above to minimise any noise transference. No windows from the upper floor flats look out onto the proposed seating area. It is considered that any noise directly from the seating area would be contained within the building itself and would not harm the amenity of the upper floor flats.

5.7 The upper floor flats at Astra House and those within no. 5 Chitty Street are approximately 12m away and the nos. 2-3 Chitty Street is approximately 27m to the southwest of the undercroft area. Concerns about noise transference has been raised by a number of local residents living in properties along Chitty Street.

5.8 The CSA has noted that although there is a full height metal sliding louvre screen within the opening to the undercroft fronting Chitty Street, it is fixed open and would not prevent noise escaping from the proposed seating area. They are concerned that hard surfaces of the undercroft would result in an "echo chamber" projecting and increasing the noise levels. The applicant has confirmed that the sliding louvre screen is not permanently fixed open as it does get closed at dusk so the time varies depending on the time of year. The applicant has carried out a noise assessment to support the proposal. The assessment demonstrates that the predicted rating noise levels from the external seating area would not exceed the background noise levels at the site during the day (07.00 to 23.00 hours) and night-time (23.00 to 07.00 hours). From the readings taken it has been found that there would be a barely perceptible impact from the first floor window of no. 69 Whitfield Street (receptor 1) and the first floor window of the flat in Astra House, during the operating times (11am to 22:00 hours).

5.9 Following concerns from local residents about the noise assessment and its findings, the applicant produced an addendum to the noise report having conducted a desktop assessment to analyse the

noise survey data to determine the noise limit during the hours of 18:00 and 22:00 when the existing background noise levels would be lower. Calculations have then been undertaken to predict the noise levels (from speech) at the nearest noise sensitive window. The noise level from a normal human voice is considered to be 60 dB LAeq at 1 metre (c.f Acoustics of Schools: a design guide – dated November 2015). These calculations include consideration for the number of people speaking at any one time, reflections within the undercroft area, the decrease in sound levels over distance and screening/blockage of sound toward the receiver location. The level of 54 dB is the assessment criterion that was derived from the existing background sound levels that were measured at the site. The predicted sound level (from speech) at the nearest noise sensitive windows is then compared against this measured background sound level (measured as 54 dBA from 18:00 and 22:00) to determine the level of noise impact. The noise emission limit would be 1dBA higher when considering the more sensitive hours than the full daytime hours predicted. Therefore the proposed noise levels would be predicted to be less harmful during the more sensitive time period. The Council's Environmental Health officer has reviewed the information and is satisfied with its findings. Given that the proposal is for the use of the space for a temporary period of 18 months it will provide the opportunity for the seating area to be used for a trial period and noise levels can be monitored by the applicant and the local residents over this time.

5.10 The applicant has confirmed that the seating area would consist of table arrangements for not more than 16 customers at any time. It is proposed that tables would be limited to a maximum of 16 customers. This would ensure that the whole space could not be used by a single group of 16 – which would have the potential to be the most noisy configuration. The number of customers seated within the external seating area would be secured by condition.

5.11 The applicant submitted a noise management plan which includes measures to ensure that the external seating area would be properly managed to minimise any noise and disturbance to local residents associated with the external seating area. The Council would require a commitment to vacation of the external seating area by 21:00 hours (with clearing up etc. only permitted of 60 minutes as part of this 10pm restriction); details of a complaints resolution procedure and details of any review process. The hours of use would be controlled by condition and the noise management plan would be secured by condition and would be an enforceable document. Given that the proposal is for the use of the space for a temporary period of 18 months it will provide the opportunity for the seating area to be used for a trial period and allow any necessary future changes to be incorporated into the management plan to ensure the area continues to be managed appropriately.

5.12 No amplified music would be played within the undercroft seating area. It is envisaged that the sliding doors would not remain open so music shouldn't escape into the undercroft from the main restaurant. It must be noted that there is also a condition attached to the change of use decision that music shouldn't be audible to neighbouring occupiers. Any planning permission would be subject to the same condition that no music would be played within the external seating area as to be audible within any adjoining premises.

6.0 OTHER MATTERS:

Premises licence

6.1 The CSA has raised concern about the proposed seating area breaching some of the conditions of the premises licence (Condition 40 and Condition 43). The authorised restaurant use is subject to a premises licence, which includes conditions on providing an external seating area on Chitty Street and the use of the sliding doors between the main restaurant and the proposed external seating area. The applicant can apply for alterations to the made to the premises licence and conditions can be revoked. Any planning permission would not prejudice this separate process.

Access

6.2 As part of the 2020 planning application concerns were raised by the CSA that the undercroft would be used as a seating area by the customers of the restaurant. At the time, the applicant confirmed there would be no dedicated external seating area for the new restaurant by placing temporary seating in the undercroft area. This was due to the fact that the undercroft needed to

remain unobstructed to allow 24 hour access to the hatch that is located within the enclosed bin store to allow access to the substation that is located in the basement. This was raised with the applicant during the assessment of this application and it was confirmed that the primary access to the substation is via the external staircase on Chitty Street, and not across the application site. The access via the manhole covers behind the louvered doors (accessed through the application site) would only be required for plant replacement and that notice would be given to the freeholder should such replacement be required. This access arrangement would be covered in the lease to the tenant.

Health

6.3 Concerns have been raised by local residents about people smoking outside the restaurant with the potential for secondary smoke to flow up to Elisa Court building. Nos 3 and 4 Elisa Court lie to the southwest of the application site at a distance of approximately 24m and 32m away. Due to the restricted width of the pavement along Chitty Street it is likely that any smokers will stand on Whitfield Street which is a significant distance from the flats in Elisa Court. It is therefore not considered that harm to neighbouring occupiers health would be caused by the proposals.

7.0 RECOMMENDATION

7.1 Grant temporary conditional planning permission for 18 months.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 16th October 2023, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Application ref: 2023/1172/P
Contact: Elaine Quigley
Tel: 020 7974 5101
Email: Elaine.Quigley@camden.gov.uk
Date: 26 September 2023

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk

DP9
100 Pall Mall
London
SW1Y 5NQ

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
67 Whitfield Street
London
W1T 4DE

Proposal:

Use of the undercroft area as outdoor seating in association with the restaurant use at 67 Whitfield Street for a temporary period of 18 months.

Drawing Nos: AL3355; AL7500; Covering letter from DP9 dated 24/03/2023; External seating note prepared by DP9; Noise Management Plan; Outdoor Seating Noise Impact Assessment prepared by Hann Tucker Associates dated 31/07/2023; Outdoor Seating Noise Impact Assessment Addendum prepared by Hann Tucker Associates dated 18/09/2023.

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

Condition(s) and Reason(s):

- 1 The use of the undercroft as an external seating area hereby permitted is for a temporary period only and shall cease 18 months from the date of this decision at which time the premises shall revert to their former lawful use.

Reason: In order that the long term use of the site may be properly considered in accordance with policies DM1 and A1 of the London Borough of Camden Local Plan 2017.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans-

AL3355; AL7500; Covering letter from DP9 dated 24/03/2023; External seating note prepared by DP9; Noise Management Plan; Outdoor Seating Noise Impact Assessment prepared by Hann Tucker Associates dated 31/07/2023; Outdoor Seating Noise Impact Assessment Addendum prepared by Hann Tucker Associates dated 18/09/2023.

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

- 3 The use hereby permitted shall not be carried out outside the following times: 11:00 hours to 21:00 hours with no serving of food and drink beyond this time with all customers off-site and cleaning and clearing of area by staff completed by 22:00 hours on Monday to Saturdays and 11:00 hours to 17:00 hours with no serving of food and drink beyond this time with all customers off-site and cleaning and clearing by staff of area completed by 18:00 hours on Sundays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies D1, A1, A4 and TC2 of the London Borough of Camden Local Plan 2017.

- 4 No music shall be played on the premises 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 D1, A1, A4 and TC2 of the London Borough of Camden Local Plan 2017.

- 5 The noise management plan for the external seating area hereby approved shall be adhered to throughout the period of its use.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies D1 and A1 of the London Borough of Camden Local Plan 2017.

- 6 The external seating area hereby approved shall not comprise of more than 16 customers at any one time and shall not be used by a single group of more than 16 customers.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies D1, A1, A4 and TC2 of the London Borough of Camden Local Plan 2017.

- 7 The ground floor sliding doors in the southern rear elevation of the unit shall not be opened and shall remain locked between the hours of 22:00 to 09:00.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies D1, A1 and A4 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 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.
- 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 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.

- 4 You are advised that condition 3 means that no customers shall in the external seating area after 21:00 hours (Monday to Friday) and no noise generating activities associated with the use, including preparation and clearing up, shall be carried out after 22:00 hours (Monday to Friday) otherwise than within the permitted time.

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:

<https://www.gov.uk/appeal-planning-decision>.

If you submit an appeal against this decision you are now eligible to use the new [submission form](#) (Before you start - Appeal a planning decision - GOV.UK).

Yours faithfully

DRAFT

DECISION