

Application ref: 2023/4111/P
Contact: Miriam Baptist
Tel: 020 7974 8147
Email: Miriam.Baptist@camden.gov.uk
Date: 10 January 2024

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/planning

Rolfe Judd Planning
Old Church Court
Claylands Road
Oval
London
SW8 1NZ

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted

Address:

50-52 Monmouth Street
London
WC2H 9EP

Proposal:

Variation of conditions 2 (restricted use of basement, ground and first floors to restaurant purposes) and 3 (opening hours) of planning permission ref P9600597 dated 24/03/1997 (for: Alteration and extension, involving infilling of lightwell in connection with proposed dual A1/A3 (shops/food and drink) use at ground floor and basement, dual B1/A3 (business/food and drink) use at first floor and B1 (business) use at second and third floors.)

Drawing Nos: Previously approved plans: 14390/10, 14390/9, 14390/8. New proposed plans: A-200-P1, 1-201-P1.

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

Condition(s) and Reason(s):

- 1 This condition is left intentionally blank.
- 2 The basement and first floor shall be used for uses falling within Class E. The ground floor of the premises shall be restricted to uses falling solely within Class E(a) retail and Class E(b) food and drink, within Class E of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or any provision

equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

- 3 The ground floor uses hereby permitted shall not be open to customers outside the hours of 8.00am - 12.30am Mondays to Saturdays, and 9.00am - 11.00pm on Sundays.
- 4 Noise control and sound insulation details shall be carried out in accordance with ref PS9804626R1 dated 14/08/2000.
- 5 Extract ventilation system, associated air handling equipment details as well as acoustic information shall be carried out in accordance with ref PS9804626R1 dated 14/08/2000.
- 6 At 1 metre outside the windows of any neighbouring habitable room the level of noise from all plant and machinery of the approved scheme shall be at all times at least 5 decibels below the existing ambient noise level, expressed in Db(A), at such locations. Where the noise from the plant and machinery is tonal in character the difference in these levels shall be at least 10 Db(a).
- 7 Refuse storage details shall be carried out in accordance with ref PS9804626R1 dated 14/08/2000.

Informative(s):

1 Reasons for approval:

The existing permitted use for the basement and ground floor of the application site is limited to restaurants purposes only, as stipulated by condition 2 of planning permission P9600597 dated 24/03/1997. There was a non-determination appeal on permission P9600597, in which the inspector considered restricting the use of the unit, at basement, ground and first floors, to restaurant use only rather than other A1 uses, seemingly to mitigate harmful impact to neighbour amenity. The application seeks to vary this condition, to allow a greater number of possible uses for these floors of the building. Condition 3 (opening hours) would also be varied, to grant a minor extension to the possible opening hours of the uses hereby permitted.

In light of the character of Covent Garden, which attracts visitors by providing a range of shops and more general tourist attractions, some greater flexibility is likely to be acceptable. The property has a prominent frontage at a junction location and therefore it is considered appropriate that a use which activates the frontage and attracts visitors should be retained.

The application initially proposed removal of the condition completely to allow full Class E uses. However, it is considered that not all uses within Class E would be appropriate at this specific location, particularly at ground floor which interfaces with the street. The revised proposal is to vary the existing condition to limit the flexibility at ground floor to either Class E(a) (display or retail sale of goods, other than hot food) or Class E(b) (sale of food and drink for consumption (mostly) on the premises). This ensures the nature of the use on site will be retained and the area's function as a retail area is protected

complying with policy TC2. Uses at basement and first floors, which do not directly open onto the public realm, would be relaxed to allow the full range of uses permitted within Class E.

Overall, the alteration to the opening hours and uses within Class E are not considered to cause any adverse impacts on the amenity of adjoining residential occupiers considering the changes to opening hours are relatively minor and the use changes maintains similar uses on site.

The proposal is also not considered to change the nature and character of the wider conservation area nor to reduce business employment, nor have any negative impact on the functioning of the CAZ (Central Activity Zone). The proposed uses would not result in any significant change to servicing requirements and there should be no significant or adverse impacts upon the efficiency of the highway.

The development is considered to preserve the character and appearance of the Conservation Area. 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.

The full impact of the scheme has been assessed. The site's planning history has been taken into account when making this decision. One objection was received from the current tenant in regard to there being no need to alter the permitted use of the property, other uses possibly harming neighbour amenity, and querying the consultation. In terms of consultation, the Council has record of site notices being displayed on both Tower Street and Monmouth Street, as well as a press notice in the Ham & High newspaper. The Council also consulted the Seven Dials CAAC, Seven Dials Trust and Covent Garden Residents Association directly regarding the application and have not received responses.

As such, the proposed development is in general accordance with policies A1, A4, E1, E2, TC2, D1 and D2 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2023.

- 2 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.
- 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.

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

A handwritten signature in black ink, appearing to read 'DPope', is positioned above the printed name and title of the signatory.

Daniel Pope
Chief Planning Officer