

Application ref: 2022/5588/P
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Date: 29 May 2024

Development Management
Regeneration and Planning
London Borough of Camden
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planning@camden.gov.uk
www.camden.gov.uk/planning

Gerald Eve LLP
1 Fitzroy Place
6 Mortimer Street
London
W1T 3JJ
United Kingdom

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:

**Rooftop units and the associated external amenity space at Building A1 and A2
London
NW1 8AH**

Proposal:

Change of use from Use Class A3 (Restaurant) to Use Class E (Commercial, Business and Service).

Drawing Nos: A097 rev D, A098 rev D, A099 rev D, A100 rev E, A101 rev F, cover letter dated 16 December 2022, Design and Access Statement ref A 10-2022, Report on Retail Performance & Building A Rooftop Strategy dated December 2022, Sustainability Statement ref. REP/SS//HWR/01 rev 2 dated 15 December 2022, Transport Statement dated 15 December 2022.

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:

A097 rev D, A098 rev D, A099 rev D, A100 rev E, A101 rev F, cover letter dated 16 December 2022, Design and Access Statement ref A 10-2022, Report on Retail Performance & Building A Rooftop Strategy dated December 2022, Sustainability Statement ref. REP/SS//HWR/01 rev 2 dated 15 December 2022, Transport Statement dated 15 December 2022.

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

- 3 Should the site be used as a restaurant, the use shall not be carried out outside the following times:

08:00 - 00:00 Sunday to Thursday and on Public/Bank Holidays and 08:00 - 00:30 the following day, Fridays and Saturdays [this includes no customers on the premises outside this time].

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

- 4 Should the site be used for any other purposes within Class E other than restaurant use, the use shall not be carried out outside the following times:

08:00 - 23:00 Mondays to Saturdays, and 08:00 - 22:00 on Sundays and Public Bank Holidays.

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

- 5 No use of the rooftop units shall commence as a restaurant or café with hot food cooking until ducting and ventilation has been provided in accordance with details approved on 09/04/2019 under reference 2018/6051/P, or other such details approved in writing by the local planning authority. The restaurant uses, or any primary cooking activities, shall thereafter not be carried out other than in complete compliance with the approved scheme.

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

- 6 Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 15dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area

generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 7 No music shall be played on the premises in such a way as to be audible from the adjoining highway.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, A4, TC1, TC2 and TC4 of the London Borough of Camden Local Plan 2017.

- 8 No use of the rooftop units shall commence as a restaurant until sound insulation has been provided for the two buildings (A1 and A2) in accordance with the scheme approved on 18/05/2020 under reference 2020/1603/P or other such details as approved in writing by the local planning authority. The use shall thereafter not be carried out other than in complete compliance with the approved scheme.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies 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 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.

- 3 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).

- 4 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.

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 written over a light blue rectangular background.

Daniel Pope
Chief Planning Officer