

Application ref: 2024/0782/P
Contact: Sarah White
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Date: 12 September 2024

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Logic Planning
Flat 1
25 Lordship Park
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Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted

Address:
67 Whitfield Street
London
W1T 4DE

Proposal:

Variation of condition 4 (hours of use) of 2020/5930/P dated 27/05/2021 (amended by planning permission 2022/1993/P dated 08/08/2022) for the change of use of ground floor unit to restaurant use to extend the opening hours on Sunday from 17:00 to 22:00.

Drawing Nos:

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 the original planning permission ref 2020/5390/P dated 27/05/2021.

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:
P1001 rev 00; P8000 rev 00; P8001 rev 00; P8002 rev 00; Change of use

Application supporting document prepared by Derwent London, Make, Arup and DP9 dated February 2021; Change of use Application supporting document Addendum prepared by Derwent London, Make, Arup and DP9 dated April 2021; Marketing letter prepared by Distrkt UK dated 06/04/2021; Covering letter prepared by DP9 dated 08/04/2021; Planning Comments prepared by MAKE (ref 1633-MAKE-67WS-SK210429-001); Covering letter prepared by DP9 dated 06/05/2022; A-22-013; 175481-02-R1; SKT-220506-001; Extract from Air Clean brochure relating to activated carbon filters; Electrostatic Air Cleaners for Commercial and Industrial applications Brochure from RydAir; Report to discharge Condition 8 prepared by Hann Tucker dated 20/05/2022.

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 use hereby permitted shall not be carried out outside the following times 07:30 to 23:00 hours on Mondays to Fridays; 09:00 to 23:00 hours on Saturdays, and 09:00 to 22:00 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.

- 5 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.

- 6 No sound emanating from the use shall be audible within any adjoining premises between 23:00 hrs and 07:30 hrs.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, A4, D1, 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 21:00 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.

- 8 The details of the sound insulation of the floor / ceiling / walls separating the

commercial parts of the premises from noise sensitive premises shown on approved drawing no: SKT-220506-001 and Report to discharge Condition 8 prepared by Hann Tucker dated 20/05/2022 shall be implemented and permanently maintained and retained.

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.

- 9 The ventilation equipment shall be installed in accordance with the approved details submitted under planning permission 2024/3499/P dated 11/09/2024. All such measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations and details approved. In the event of no satisfactory ventilation plant and / or machinery being installed, no primary cooking shall take place on the premises.

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

- 10 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.

Informative(s):

- 1 Reasons for granting permission:

Application 2020/5390/P granted planning permission for the change of use of the ground floor unit at 67 Whitfield Street to a restaurant use. Condition 4 of this permission limits the hours of operation to 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. This current variation of condition application seeks to extend the hours of operation on Sunday from 17:00 to 22:00 to enable the restaurant to stay open for an additional four hours on Sunday evenings.

The reason for the condition was to safeguard the amenity of the adjoining premises and the area generally. The extended opening hours would more closely align the Sunday opening hours with the opening hours across the other days of the week, and it is considered that the limited increase in Sunday opening hours would not introduce significant amenity concerns or undue disturbance to neighbouring residents above and beyond those experienced on

other days of the week. Additionally, the site lies approximately 50m from Tottenham Court Road which has a number of late night eating and drinking establishments, several of which are open until 22:00 on Sunday nights.

Council's Environmental Health Officer raised no objection to the proposal, stating that the proposed extra hours should have a minimal impact on the local amenity.

No other amendments are proposed and there would therefore be no impact on the character and appearance of the building or the street scene.

No objections were received prior to the determination of this application. The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with D1 A1, A4 and TC2 of the Camden Local Plan 2017 and Principle 7 of the Fitzrovia Area Action Plan 2014. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2023.

- 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 London Borough of Camden 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 at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> 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.

- 5 You are advised that condition 4 means that no customers shall be on the premises and no noise generating activities associated with the use, including preparation and clearing up, shall be carried out otherwise than within the permitted time.
- 6 The applicant is advised that planning permission would be required for any air conditioning units that may be required by any future tenant.
- 7 The applicant is reminded that the placing of tables and chairs on the public highway requires an application for a Tables and Chairs Licence or Pavement Licence.
- 8 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions (and obligations where applicable) as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).

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