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23 May 2025

Our Ref: 88127165/49/MM/MB

Planning Portal Reference: PP-14002446

Dear Sir/Madam,

**SECTION 73 APPLICATION TO VARY CONDITION 5 (HOURS OF USE) PURSUANT TO  
PLANNING PERMISSION REF: 2018/2176/P  
75 SOUTHAMPTON ROW, LONDON, WC1B 4ET**

We act on behalf of Karali QSR Ltd. ("the Applicant") and have been instructed to submit this Section 73 application to vary the wording of Condition 5 (Hours of Use) of planning permission ref: 2018/2176/P, in relation to an application for the change of use from a restaurant (Use Class A3) to a hot food takeaway (Use Class A5), to vary the trading hours at 75 Southampton Row, London, WC1B 4ET ("the Site").

This application is supported by this Covering Letter and the following information:

- Completed Application Form;
- CIL Form; and
- Noise Assessment Report (prepared by Sharps Redmore, May 2025).

The application fee of £671 (inclusive of Planning Portal service charge) has been paid via the Planning Portal.

**Site and Surroundings**

The Site is located on the south west side of Southampton Row, a busy road within the Holborn Growth Area which is part of London's designated Central Activities Zone (CAZ) and the Central London Area. The premises is occupied by fast-food chain Taco Bell which sits at the ground floor level of a terraced building, with residential flats above called Hamilton House. The Site is also located within Bloomsbury Conservation Area and is in Flood Zone 1.

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The surrounding area is characterised by commercial uses at the ground floor level with residential units located on the upper floors. To the south of and immediately adjoining the Site is 73 Southampton Row, a Grade II listed building currently in use as residential flats, with a significant number of listed buildings within the wider area. The Site benefits from a PTAL of 6b (excellent), with both Holborn and Russell Square underground stations located under 6 minutes' walk away.

## Background Context

On 5<sup>th</sup> September 2018, planning permission was granted for the change of use of the Site from a restaurant (Use Class A3, now Use Class E) to a hot food takeaway (Use Class A5, now Sui Generis) (ref. 2018/2176/P). Since the change of use, the Site has since been occupied by fast-food takeaway chain Taco Bell.

Condition 5 of planning permission ref: 2018/2176/P, in relation to the hours of use of the property, states:

*"The use hereby permitted shall not be carried out outside the following times 07:00-00:00 Mondays to Saturdays and 09:00-00:00 on Sundays and Bank Holidays."*

The justification for this condition is "to safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, D1, A1, A4 and TC4 of the London Borough of Camden Local Plan 2017."

An application to vary the premises license (ref: PREM-LIC\125731) was approved on 19<sup>th</sup> February 2025 by LBC to enable to sale of late-night refreshments at the Site between the following hours:

- Sunday to Wednesday: 23:00 – 01:00
- Thursday to Saturday: 23:00 – 04:00

Condition 6 of this license, as agreed with the Environmental Health Authority, states that "public access shall cease by midnight with any later sales being carried out by contacted courier only".

## Planning Policy

The Development Plan for the Site includes the Camden Local Plan (adopted July 2017), the London Plan (adopted March 2021), and the Site Allocations Plan (adopted September 2013). The National Planning Policy Framework (NPPF, December 2024) is also a material consideration.

As noted above, the policies cited within the justification for Condition 5 of planning permission ref: 2018/2176/P, are Policies G1, D1, A1, A4 and TC4 of the Camden Local Plan (July 2017).

Policy G1 (Delivery and location of growth) sets out the criteria for the delivery of and the location of growth within the Borough, with criterion a) stating that the Council will deliver growth by securing high quality development and promoting the most efficient use of land and buildings in Camden by supporting development that makes best use of its site, taking into account quality of design, its surroundings, sustainability, amenity, heritage, transport accessibility and any other considerations relevant to the site.

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Policy D1 (Design) sets out the criteria regarding design that new development will be required to adhere to, with criterion a) stating that the Council will require that development respects local context and character.

Policy A1 (Managing the impact of development) seeks to protect the quality of life of occupiers and neighbours, and states that development proposed unacceptable harm to amenity will be refused. A number of factors which development will be considered against are listed, including, inter alia, impacts on visual privacy and outlook, transport impacts, and noise and vibration. Policy A4 (Noise and vibration) expands on the impacts of noise and vibration of occupiers and neighbours to a development, and states that development likely to generate acceptable noise and vibration impacts or development sensitive to noise in locations with high levels of noise will not be granted planning permission.

Policy TC4 (Town centre uses) seeks to ensure that the development of town centre uses including shopping, services, food, drink, and entertainment uses do not cause harm to the local area or the amenity of neighbours. It states that the Council will consider, inter alia, the noise and vibration generated either inside or outside of the site, and that the use of planning conditions / obligations will be used to address issues such as hours of operation, noise/vibration, fumes, and the siting of plant machinery, and tables and chairs outside of premises.

## **Proposed Amendments – Condition 5**

This application to vary the wording of Condition 5 is sought to enable the Site to trade between 00:00 and 04:00, in line with the permitted hours approved by the late-night refreshment license (ref. PREM-LIC\125731). During this period, the restaurant will be open as a 'dark kitchen' serving online orders only, as set out by Condition 6 of the license.

To facilitate the use of the Site for late night refreshments, and in line with the operating hours approved by the new premises license, it is proposed to amend the wording of Condition 5 as follows:

"The use hereby permitted shall not be carried out outside the following times:

- 07:00am – 01:00am Mondays to Wednesdays  
NOTE: 01:00am refers to the following calendar day
- 07:00am – 04:00am Thursdays to Saturdays  
NOTE: 04:00am refers to the following calendar day
- 09:00am – 01:00am on Sundays  
NOTE: 01:00am refers to the following calendar day"

We would welcome the opportunity to agree the final wording of Condition 5 with London Borough of Camden.

## **Assessment**

The impact of noise from trading activity between 00:00 and 04:00 at the Site has already been considered as part of the determination of the new premises license which has recently been granted

by LBC (ref: PREM-LIC\125731). The Environmental Health Department made recommendations to mitigate noise from the Site between 00:00 and 04:00, which have been agreed by the Applicant. The conditions for the premises license are as follows:

1. *“Street furniture shall be removed quietly inside premises by 10pm each night and placed outside again for customer use 8am onwards.*
2. *No deliveries by motorised vehicles (other than electric vehicles) after 11pm.*
3. *All couriers not engaged in the delivery of customer orders shall wait inside the premises for the customer order.*
4. *All vehicles shall be parked legally and not give rise to obstruction of the public footpaths.*
5. *All deliveries will be made to a verified address and not to an open space.*
6. *Public access shall cease by midnight with any later sales being carried out by contracted courier only.*
7. *Arrangements for the storage and disposal of refuse will not cause a nuisance .All business deliveries and collections (not customer related) servicing the direct needs of the licence holder shall be undertaken during the hours of 7amto 8pm Monday to Saturday, 10am – 8pm Sunday.*
8. *No street promoters to be used for business.*
9. *No noise or odour generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a public nuisance”*

A noise assessment report has been prepared by Sharps Redmore (May 2025) to assess the impact of noise from the proposed variation of trading hours on noise sensitive properties in the vicinity of the Site, including the residential properties to the rear of the Site and also opposite, and the apartments above the Site. The environmental noise assessment undertaken assessed three noise impacts, including noise from internal kitchen activity; noise from operation of kitchen extract; and noise from deliveries/pick ups.

In regard to noise from internal kitchen activity, this was assessed and shown to be significantly below the recommended internal noise levels for the onset of sleep disturbance. The Site has been operating up until midnight, with no complaints having been received from any residents living directly above or adjacent to the Site.

The report confirms that the kitchen extract fan has been designed to meet LBC’s noise criteria of 10dB below background noise levels, and that there is no significant difference between the background level at midnight compared to the levels recorded between 00:00 and 04:00. Therefore, noise from operation of the kitchen extract plant will be at least 10dB below background noise levels.

Regarding noise from deliveries/pickups from the Site between the hours of 00:00 and 04:00, when the Site will be operating as a “dark kitchen”, mitigation measures will be implemented to reduce noise from couriers picking up orders by restricting the use of motorised vehicles, and requiring couriers to wait inside the premises while orders are being prepared.

As such, the noise report concludes that noise from operation of the restaurant between 00:00 and 04:00 will not cause adverse or unacceptable impact to local residents. The proposed variation to

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Condition 5 (hours of use) of the Site complies with Local Plan policies G1, D1, A1, A4 and TC4 of the Camden Local Plan (July 2017) with respect to noise.

## **Conclusion**

Overall, this Section 73 application seeks to vary the wording of Condition 5 (Hours of Use) of planning permission ref: 2018/2176/P, in relation to the 'Change of use from a restaurant (Use Class A3) to a hot food takeaway (Use Class A5),' at 75 Southampton Row, London, WC1B 4ET.

The proposed amendments to the wording of Condition 5 will allow for the premises to operate between the hours of 00:00 to 01:00 between Sunday and Wednesday, and 00:00 to 04:00 between Thursday and Saturday, in line with the permitted hours approved by the late-night refreshment license (ref. PREM-LIC\125731). The recent approval of this new premises license at the Site suggests that LBC agree that, subject to the agreed conditions set out above, the noise from the sale of hot food between 00:00 and 04:00 will not cause adverse or unacceptable impact to the amenity of nearby residents. This was also the conclusion of the noise assessment report prepared by Sharps Redmore (May 2025) for the purpose of this application.

We look forward to receiving confirmation of registration of the application. In the meantime, if you have any comments or require any further information, please do not hesitate to contact me, or my colleague, Mark Bassett.

Yours faithfully,

*This letter is approved but unsigned as it is sent electronically.*

Maisie McCann  
Graduate Planner  
Freeths LLP  
Please respond by e-mail where possible

Enc.