

file



ENVIRONMENT

**Development Control  
Planning Services**  
London Borough of Camden  
Town Hall  
Argyle Street  
London WC1H 8ND

Tel 0171 278 4444  
Fax 0171 314 1975

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

Application No: PS9704269R1  
Your Ref:P190a/J Kerr)  
Case File:P14/23/B

Date 20 NOV 1997

Dear Sir(s)/Madam

**DECISION**

Town and Country Planning Act 1990  
Town and Country Planning (General Development Procedure)  
Order 1995  
Town and Country Planning (Applications) Regulations 1988

PERMISSION FOR DEVELOPMENT - Subject to Conditions

Address :  
Endeavour House, 179-199 Shaftesbury Avenue, WC2

Date of Application : 06/06/1997

Proposal :  
Change of use from the lawful use as showrooms (Class A1) to dual use of part of the ground floor and basement for use as either restaurant use (and no other use within Class A3) or retail use (Class A1),  
as shown on drawing numbers 348/GA037 and /GA038.

The Council has considered your application and decided to grant permission subject to the following conditions:

Standard condition:  
The development hereby permitted must be begun not later than the expiration of five years from the date of this permission.

Standard Reason:  
In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

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## Additional conditions:

- 1 The premises shall be used only for restaurant use and for no other purpose, (including any other purpose within Class A3 of the Schedule of the Town and Country Planning (Use Classes) Order 1987) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.
- 2 No loading or unloading of goods, including fuel, by vehicles arriving at or departing from the premises shall be carried out otherwise than from within the New Compton Street loading bay and such loading or unloading shall not take place other than between the hours of 8.00 am and 8.00 pm on Mondays to Saturdays and at no time on Sundays unless otherwise approved by the Council under the terms of Condition 11 of this planning permission.
- 3 Before the use commences, details of the method of waste storage and waste removal, together with times of waste collection, shall be submitted to and approved by the Council and the approved method and times shall thereafter be maintained.
- 4 The Class A3 restaurant use hereby permitted shall not be carried out outside the following times :- 9am to 12.00 midnight Monday to Friday, 9am - 12.30am on Saturdays and 9am - 11.30pm on Sundays, by which times the last customer shall have left the premises.
- 5 The discharged point for any extract ventilation duct or outlet shall be fitted with a suitable filter unit and terminate at such a height and position, with the exclusion of cowls, so as not to cause nuisance from fumes and odour to occupier of adjacent premises.
- 6 No music shall be played on the premises in such a way as to be audible within any adjoining residential accommodation. Furthermore if music is to be played in the restaurant then the following conditions should be applied:

The existing noise climate of the surrounding area shall be protected such that the equivalent continuous noise level (LEQ) in dB(A) as measured 1 metre outside the nearest dwelling over any 15 minute period with entertainment taking place does not exceed the equivalent noise level in dB(A) measured over a comparable period and from the same position with no entertainment taking place.

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No music shall be played in such a way that there is any increase in the noise level at a frequency of 125 Hz measured as Leq over any 15 minute period one metre from the facade of any residential accommodation as compared to the Leq 15 minutes in the same position with no music being played.

- 7 The extract ventilating system shall be provided with acoustic isolation to prevent the transmission of noise and or vibration to any other parts of the building and adjoining premises. This shall be carried out so that at 1 metre outside the windows of the nearest habitable room the level of noise from the ventilation system shall be at all times at least 5 decibels below the existing ambient noise levels, expressed in dB(A), at such locations. Where the noise from plant and machinery is tonal in character the differences between these levels shall be at least 10dB(A).
- 8 Access to and egress from the restaurant for customers shall only be via the entrances/exits, to/from Shaftesbury Avenue. Emergency exits and staff access at the rear in New Compton Street shall only be used as such and shall be kept shut when not actually in use for these specific purposes.
- 9 Details of any externally located plant and full details of the kitchen ventilation system shall be submitted to and approved by the Council before the change of use hereby approved takes place.
- 10 A refuse management procedure shall be submitted to the Council and approved prior to the commencement of the restaurant use. This procedure shall include the location, method and timing of refuse storage and collection and shall provide for collection to be not before 7.00 am or after 7.00 pm. The approved procedure shall be implemented on a permanent basis and varied only with the prior approval of the Council.
- 11 A goods delivery and collection management procedure shall be submitted to the Council and approved prior to the commencement of the restaurant use. This management procedure shall include management of goods delivery and collection for the whole building, from within the curtilage of the building, in accordance with the original additional condition 4 of the planning permission dated 21 July 1995, (Reg.No.PL/9500954R1). The approved procedure shall be implemented on a permanent basis and varied only with the prior approval of the Council.

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## Reasons for additional conditions:

- 1 In order to safeguard the amenities of the nearby premises and the area generally.
- 2 In order to ensure that the use can be accommodated without detriment to the amenity of the occupants of the surrounding buildings by reason of noise and to avoid traffic congestion in the surrounding area.
- 3 In order to ensure that the use can be accommodated without detriment to the amenity of the occupants of the surrounding buildings by reason of inappropriate refuse storage and the noise of refuse collection.
- 4 To safeguard the amenities of the occupiers of the adjoining premises and the area generally.
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## Informatives (if applicable)

- 1 The dual use permission gives flexibility of use for 10 years from the date of this permission. After 10 years the lawful use would revert to which ever of the uses is taking place at that time and if it is a Class A1 use, a further planning permission would be required to change to Class A3.

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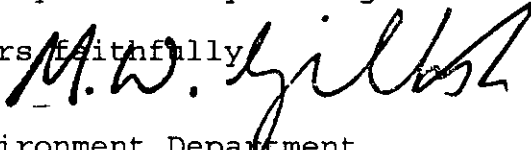
Fax 0171 314 1975

- 2 Prior to the opening of a restaurant, the applicant is requested to contact the Council's Traffic Management Team (Festus Agwu Jones), to arrange for the payment for and the installation by the Council, of one cycle stand on the highway outside the restaurant.

This application was dealt with by Jay Turner on 0171 278 4444 ext 2537.

Your attention is drawn to the notes attached to this notice which tell you about your Rights of Appeal and other information.

Yours faithfully



Environment Department

(Duly authorised by the Council to sign this document)