

Mr. Ali Ender Cemgil
Arch Planning & Licensing
33b Grand Parade
Green Lanes
London
N4 1LG

Application Ref: **2016/1165/P**
Please ask for: **Helaina Farthing**
Telephone: 020 7974 **3303**

8 August 2016

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
44 New Oxford Street
London
WC1A 1ES

Proposal:
Change of use of A1 use class to A3 use class café/Restaurant (Traditional Mediterranean Restaurant)
Drawing Nos: A101; A102; A103; A104; A105; A016

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 A101; A102; A103; A104; A105; A016.

Reason:

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

- 3 The use hereby permitted shall not be carried out outside the following times 09.00 - 23.00 Mondays to Saturdays and 10.00 - 22.00 on Sundays and Bank Holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26, DP28 and DP12 of the London Borough of Camden Local Development Framework Development Policies.

- 4 Prior to the first use of the premises for the A3 use hereby permitted, the ventilation and filtration equipment to suppress and disperse fumes and/or smells created from cooking activities on the premises, shall be installed and be in full working order in accordance with the approved scheme. All such measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations. In the event of no satisfactory ventilation plant and / or machinery being provided, 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 CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26, DP28 and DP12 of the London Borough of Camden Local Development Framework Development Policies.

- 5 Prior to use of the development installation, details shall be submitted to and approved in writing by the Council, of the external noise level emitted from plant/ machinery/ equipment and mitigation measures as required. The measures shall ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the lowest existing background noise level by at least 5dBA, by 10dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which 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, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).

- 2 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 are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 This permission is granted without prejudice to the necessity of obtaining consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Application forms may be obtained from the Council's website, www.camden.gov.uk/planning or the Camden Contact Centre on Tel: 020 7974 4444 or email env.devcon@camden.gov.uk.
- 4 Reasons for granting planning permission:

This application proposes the change of use from A1 (retail, currently occupied by a cold food bar - El Mexicana) to an A3 use class (restaurants and cafes, proposed to be occupied by a Traditional Mediterranean Restaurant). The proposal will also result in a number of internal alterations, the primary being the use of the basement as the formal dining of the restaurant.

The application site is located on the corner of New Oxford Street and Coptic Street. The site is located in the Central London Local Area 'Museum Street' and is located within the Bloomsbury Conservation Area. The site is not located within any primary or secondary frontages.

The application site was subject to an enforcement investigation in 2015 concerning the use as A1 (cold food bar). It was concluded in May 2016 that the existing use was lawful. The full planning history of the site has been taken into account when coming to this decision.

Principle of the Change of Use

Policy DP12 notes that the Council will ensure that the development of shopping, services, food, drink, entertainment and other town centre uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours. CPG5 notes that in the Museum Street Area the loss of A1 (retail) units will be resisted in specific designated areas. In the area west of the Museum there is a high concentration of small hotels and several offices, as well as housing; and south of the museum there are a number of cafes and restaurants. The areas of Bloomsbury Street and Great Russell Street have a concentration of specialist retail uses, which contribute significantly to the area and are designated areas.

The proposal to change the use of the application site from A1 to A3 would not disrupt the character of the street, which has been characterised by a mix of retail, food and drink uses and residential uses. It is important to note that in this instance the site is not located within a designated frontage and therefore as specified in CPG5 there is no in principle objection to the loss of retail in this instance.

Given the number of A1 uses in the immediate area it is not considered that the loss of this use would have any adverse impact on the vitality or vibrancy of the area. Subsequently, the proposal would not cause undue harm to the character, function, vitality and viability of the frontage of the area and is acceptable in principle.

Heritage and Design Considerations

The application site is within the Bloomsbury Conservation Area, wherein the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area, in accordance with Section 72 of The Planning (Listed Buildings and Conservation Areas Act) 1990.

The proposal involves changes to the building's exterior with the addition of a ventilation fan; however, in this instance this has been discreetly placed on the east side elevation and does not compromise the integrity of the conservation area. Furthermore no changes are proposed to the front of the building.

Overall, it is considered that the proposal would preserve the character and appearance of the Bloomsbury Conservation Area. The proposal is therefore considered to be acceptable in this respect.

Residential Amenity

Policy DP26 states that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of loss of light, quality of living conditions, privacy, visual intrusion and noise.

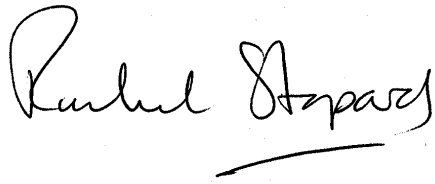
The locality is characterised by its dense urban form and the site is in close proximity to a number of existing A3 and A5 uses. Whilst there are a number of residential properties nearby given the existing uses and the property's location within the town centre it is not considered that there would be any undue im

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

A handwritten signature in black ink that reads "Rachel Stopard". The signature is written in a cursive style with a horizontal line underneath the name.

Rachel Stopard
Executive Director Supporting Communities