

Our Ref: 16047/SH/JC/JD
Your Ref: PP-05663335
Email: sharper@firstplan.co.uk
Date: 01 December 2016

Planning Department
London Borough of Camden
Town Hall
5 Pancras Square
N1C 4AG

Dear Sirs,

**SECTION 73 APPLICATION TO VARY CONDITIONS 12 AND 18 OF APPEAL REFERENCE:
APP/X5210/A/2193888
74 CHARLOTTE STREET, LONDON, W1T 4QH**

We have been instructed by our client, WSH Restaurants Ltd, to submit the enclosed Section 73 application in respect of conditions 12 and 18 of appeal reference APP/X5210/A/2193888 in relation to the above address.

The application seeks to vary the restrictive opening hours of the basement and ground floor restaurant unit to allow staff on site to complete the necessary food preparation and clean down before and after service.

The following documents are enclosed in support of this application:

- Completed Application Forms;
- Site Location and Block Plan (Drawing Ref: 1536(PL)01).

In addition, the requisite planning fee of £195.00 has been paid online via the Planning Portal (ref: PP-05663335). The remainder of this letter sets out the background to the application site in addition to an assessment of the newly proposed hours of operation.

Site Description

The application premises is located to the basement and ground floor of no. 74 Charlotte Street in the south west part of the London Borough of Camden and is located within the Charlotte Street Conservation Area. It is a short distance from Tottenham Court Road and Goodge Street underground stations to the south east and the BT Tower on Maple Street. The area is predominantly commercial in character, particularly at ground floor level, and retail and restaurant uses are dominant. There is also a good mix of office and residential accommodation.

The site itself is located towards on the eastern side of Charlotte Street, between Chitty Street and Tottenham Street. The application site fronts directly onto Charlotte Street and extends through to Charlotte Mews to the rear. The premises adjoin no. 74a to the north (also known as Ariel House), a modern building which is in use as offices, and no. 72 to the south, which is a grade II listed 18th Century property and is similarly in use as offices.

The application site is not listed, but is situated within the designated heritage asset of the Charlotte Street Conservation Area, for which the premises along with numerous others within the vicinity is designated a 'positive contributor'. The site additionally adjoins no. 72 Charlotte Street to the South, which is Grade II listed.

Planning History

The building is undergoing extensive redevelopment works pursuant to a recent permission (ref: 2012/2133/P) which was initially refused on 30th August 2012, but later allowed at appeal on 30th September 2013. Permission was ultimately given for the following:

'Demolition of building behind retained four storey front façade and redevelopment for a 5 storey building that includes a new mansard roof level with rear terrace, a rear terrace at second floor level, plus excavation to form a basement level with front lightwell, to accommodate restaurant (Class A3) at basement and ground floors and 4 x residential flats on upper floors to be communally accessed from Charlotte Mews.'

There have been a number of subsequent applications submitted regarding the details reserved by condition to this approval. There have also been two separate applications to vary condition 2 (approved plans) (refs: 2015/6507/P and 2015/4499/P) in order to finalise the design and layout of the proposed development behind the retained façade.

Application Proposal

This application is submitted in order to align the operation of the A3 restaurant unit with the future tenants business operation, specifically by varying the wording of Conditions 12 and 18 of appeal reference APP/X5210/A/2193888, which state:

Condition 12:

"The Class A3 use hereby permitted shall not take place other than between the following hours: Mondays to Saturdays 1000 to 0030 the following morning, and on Sundays, Bank and Public Holidays, 1200 to midnight (being in addition to the period between midnight and 0030 that may fall within Sundays, Bank and Public Holidays, as provided for in general Mondays to Saturdays)."

Condition 18:

"Servicing from Charlotte Mews shall not take place outside the hours of 0800 and 1800 Monday to Friday and 0900 and 1300 on Saturdays and shall not take place on Sundays, Bank and Public Holidays."

The obvious impacts which condition 12 seeks to manage, relate to the operation of the restaurant, specifically the presence of customers. It is not clear from the condition wording, or indeed the reason, whether the 'use' extends to all activities associated with the restaurant.

However, to be clear, it is absolutely critical that restaurant activity can take place outside these permitted hours. Without such provision, the restaurant cannot operate. The operator will be a fine dining, high quality restaurant and the longer hours are essential in order to allow staff on site, particularly earlier in the day, to begin the necessary food preparation prior to the lunchtime service, and for an extra half an hour after evening service to provide adequate cleaning up time. No customers will be present outside the agreed hours.

For these reasons the following wording for the conditions is proposed:

Condition 12:

“No customers shall be present on site outside of the following hours: Monday to Saturdays: 10:00 to 00:30 and Sundays, Bank and Public Holidays: 12:00 to midnight (being in addition to the period between midnight and 0030 that may fall within Sundays, Bank and Public Holidays, as provided for in general Mondays to Saturdays).”

Regarding condition 18, adjusting the hours of delivery from Charlotte Mews to coincide with the hours staff will be present on site, is an obvious necessity. As such it is proposed to alter this condition as follows:

“Servicing from Charlotte Mews shall not take place outside the hours of 07:00 and 18:00 Monday to Friday and 07:00 and 13:00 on Saturdays and shall not take place on Sundays, Bank and Public Holidays.”

Planning Considerations and Conclusions

The key planning consideration of relevance to this application is the impact upon neighbouring amenity.

In this regard, the proposed alterations to the two conditions should be considered acceptable.

The occupant of the approved A3 premises is a fine dining operator. A necessity for an operator of the nature is many hours of food preparation, which must be done on the day of service. This is not uncommon across all restaurant types and formats, however, it is of particular importance where food is delivered, freshly prepared and served on the same day. Accordingly, staff will need to be in the kitchen from 7am onwards. Restaurant setup and activity on the ground floor will commence later in the day, in alignment with the approved operating hours (10am onwards).

The kitchen is located in the basement towards the rear of the property, as far as possible from the residential units above and adjacent, meaning breakout noise from the kitchen staff will be minimal and unlikely to cause any disturbance to neighbouring occupiers.

There will be no change to the trading hours of the restaurant - when the restaurant ‘use’ will technically take place - however, the preparation time is an essential element of the operation which must be allowed to continue outside the approved hours.

The second element of the amendment to condition 12 is to allow an extra half an hour after evening service for cleaning down, ready for the morning preparation detailed above. Again, customers will vacate the premises in line with the approved hours. Furthermore, the activities will be limited to the basement kitchen, which will ensure the ground floor serves as acoustic separation between the noisy works and the residential units above and adjacent.

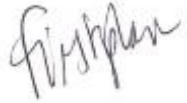
Of course, it is noteworthy that the application site is part of Charlotte Street, which is a vibrant, active and highly commercial area with a number of evening economy entertainment uses throughout. In this commercial, lively context, the extended hours to allow limited operations on site, confined to the basement only, will have negligible, if any, impact on the amenity of the area, and should be acceptable.

Regarding condition 18, this is a slightly unusual condition, particularly as it only serves to limit activity to the rear of the site, along Charlotte Mews. As such, deliveries during any time of the day or night could, in theory, take place from Charlotte Street. The amendment sought will allow fresh daily deliveries at the time that

they are required – during early morning preparation. Delivering to Charlotte Mews is the obvious location, as the kitchen is located towards the rear, however, if this is not possible then deliveries will continue from Charlotte Street only, which remains unrestricted.

We therefore trust that the enclosed information is sufficient to enable officers to register and approve the application and we look forward to receiving confirmation of this. However, should you require any further information in the meantime, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink that reads "firstplan". The signature is written in a cursive, lowercase style.

SAM HARPER
Director

Enc.