

Mr Robert Pomery  
ADMerlin Design Studios  
C/O Pappus House  
Tollgate West  
Stanway  
Colchester  
CO3 8AQ

Application Ref: **2016/2255/P**  
Please ask for: **Matthias Gentet**  
Telephone: 020 7974 **5961**

18 January 2017

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted**

Address:  
**82 New Oxford Street**  
**London**  
**WC1A 1HB**

Proposal:  
Change of use from retail (Class A1) to restaurant (Class A3), and associated alterations to rear vents.

Drawing Nos: [ADM0916-] P101, W304, W526, W527 ; Planning Statement (April 2016); Site Location Plan; Odour Report (24/10/2016); Noise Report (20/12/2016) .

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 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 CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: [ADM0916-] P101, W304, W526, W527 ; Planning Statement (April 2016); Site Location Plan; Odour Report (24/10/2016); Noise Report (20/12/2016).

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

- 4 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(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 10dB(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 policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 5 The external noise level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the lowest existing background noise level 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.

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

- 6 The kitchen installation shall be in accordance with the 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' January 2005 by DEFRA.

Reason: To safeguard the amenities of the adjoining properties and the area

generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 7 The use hereby permitted shall not be carried out outside the opening hours on Mondays to Saturdays, and 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.

Informative(s):

- 1 Reasons for granting permission.

The present occupier has already been granted prior approval for the A1 (retail) to A3 (cafe/restaurant) use under planning reference: 2015/5297/P, and now wishes to have the A3 use approved as permanent. No other alterations are to take place as these have already been implemented. However, due to the nature of the application, an Odour Report and a Noise Report have been submitted and found to be satisfactory by the Council's Environmental Health Officer.

The application site is located within a row of commercial units occupying the ground floor part of the building. The site stands in the Central London Local Area 'Holborn' and is within the Bloomsbury Conservation Area. The premises are located within a primary frontage area.

Policy DP12 notes that the Council will ensure that the development of the shopping, services, food, drink and 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 for each Primary Frontage, planning permission will generally not be granted for development that results in less than 80% of the total number of units in that frontage being A1 retail use. However, an appeal for the refusal for the change of use from A1 to A3 at 106 New Oxford Street was allowed. The Inspector was of the opinion that the nature of the area allowed food and drink offers within a primary frontage and this, as such, is taken as a material planning consideration when assessing this planning application.

The proposal to change the use of the application site from A1 to A3 would not be considered to disrupt the character of the street, which has been characterised by a mix of retail, food and drink uses. 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.

Alterations to the rear vents have taken place (post July 2014) prior to the

occupation of the premises by the current operation. The double louvre vents located to the top of the recessed elevation have replaced full height louvre vents which were flush with the façade. The bulk of the features have significantly decreased, thus reducing their impact on the host building, the rear streetscape and the Conservation Area.

No responses were received following the statutory consultation. The site's planning and appeal history has been taken into account when coming to this decision.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area and special regard has been attached to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses, under s.66 and s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposed development is in general accordance with policies CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP24, DP25, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies. The development is also in accordance with the provisions of the London Plan 2016; as well as the National Planning Policy Framework 2012.

- 2 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).
- 3 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.

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

*David T. Joyce*

David Joyce  
Executive Director Supporting Communities