

Mr Adam Beamish
WYG
100 St John Street
Islington
LONDON
EC1M 4EH

Application Ref: **2017/0320/P**
Please ask for: **Hugh Miller**
Telephone: 020 7974 **2624**

7 April 2017

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
37 Farringdon Road
LONDON
EC1M 3JB

Proposal: Change of use of ground and basement floors from restaurant (Use Class A3) to a mixed restaurant and hot food take-away (Sui Generis Use Class) premises.

Drawing Nos: Location plan; 2640-G010; 2640-G014; Supporting Statement dated March 2017: LPA160317; 192 CHR; 08 3036/ decision.

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 [Location plan; 2640-G010; 2640-G014; Supporting Statement dated March 2017: LPA160317; 192 CHR; 08 3036/ decision.]

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

- 3 The use as mixed restaurant/hot food takeaway (Sui Generis Class) at the ground and basement floors as shown on the approved plans shall not be open to customers outside of the following times: 10:00 hours - 23:30 hours Monday to Saturdays, and 10:30 hours - 22:30 hours on Sundays and on Bank Holidays. No customers shall be on the premises and no sound emanating from these premises shall be audible within any adjoining premises outside of these hours.

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 No music shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.

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 of the London Borough of Camden Local Development Framework Development Policies.

- 5 The mixed restaurant/hot food takeaway use hereby permitted shall have no deliveries, loading or unloading of goods or refuse between the hours of 23:30pm and 10:00am Mondays to Sundays and on Bank Holidays.

Reason: To safeguard the amenities of occupiers of the proposed use, 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.

Informative(s):

- 1 Reasons for granting permission:

The lawful use of the basement and ground floors is as restaurant A3 use (173.0sqm). There is no specific policy requirement for protecting a premise within this use class. The application site is located on the eastern boundary of the Hatton Garden Central London Area (nos. 27 - 73 Farringdon Road); but it is not located within a Central London Frontage Area or Neighbourhood Centre.

The change of use would not result in a loss of retail (A1) floorspace and the mixed A3 and A5 use is considered appropriate in this location in the Central London area

due to the continued provision of food consumption on the premises. Policy CS7 and DP12 has a general presumption in favour of locating food, drink and entertainment uses within central locations such as this, on the basis that they are mostly appropriately located in commercial areas to minimise their impact on residential amenity, such as to ensure that they do not cause individual or cumulative harm to an area. The current hours of operation times are Mondays to Saturdays 12:00 noon to 23:30pm, Sundays 12:00 to 22:30. In accordance with paragraphs 6.17- 6.18 of CPG5 (Town Centres, Retail and Employment (2013)); the Council will attach conditions to planning permission for food and drink and entertainment uses to control hours of operation. The existing hours of operation is considered to be reasonable and it is considered prudent to attach a modified condition with the times shown but to include bank holidays.

The applicant is seeking to operate a new Kentucky Fried Chicken (KFC) premises at the site. The proposed mix of A3/A5 uses would provide approximately 50 covers between the ground and basement floors. The submitted documents suggest that the restaurant and 'takeaway' use would be of parity with no overall predominant primary or ancillary use. The applicant has submitted similar supporting information of mixed A1/A3 uses granted by the Planning Inspectorate (ref. APP/F5540/C/02/1087789) December 2002; and referenced similar mixed A1/A3 uses which were granted by London Borough of Richmond upon Thames (ref. 08/3036/COU) for 'coffee shop chains' such as Starbucks and Café Nero. Some examples of KFC mixed A3/A5 use permissions were referenced but these were not in London or they were drive-through premises and non-comparable. The applicant considers that, the principle of the mixed A1/A3 use is transferable and should be applied in this instance and that the absence of any overall primary use should be considered as mixed A3/A5 use. However, having reviewed the information and in addition with the applicants' written justification it was considered that sui generis use Class would be the most appropriate classification in this instance as the proposed use does not fall exclusively within either an A3 or A5 use.

No external changes are proposed. The development would have no significant additional impact on the adjacent residential occupiers in terms of noise disturbance and is acceptable. However, a condition would be added to restricting the hours of servicing of the unit.

The neighbouring occupiers were consulted on the application. No objections have been received and the planning and appeal history of the site was taken into account in coming to this decision.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 (CA's) of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposed details are in general accordance with policies CS5, CS7 and CS14 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP12, DP24 and DP26 of the London Borough of Camden Local Development Framework Development Policies. The proposed development

also accords with the London Plan 2016; and the National Planning Policy Framework 2012. The proposal also accords with Policies A1; A4; TC4; TC5; of the Camden Local Plan Submission Draft 2016.

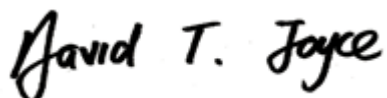
- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building 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.
- 4 The emerging London Borough of Camden Local Plan is reaching the final stages of its public examination. Consultation on proposed modifications to the Submission Draft Local Plan began on 30 January and ended on 13 March 2017. The modifications have been proposed in response to Inspector's comments during the examination and seek to ensure that the Inspector can find the plan 'sound' subject to the modifications being made to the Plan. The Local Plan at this stage is a material consideration in decision making, but pending publication of the Inspector's report into the examination only has limited weight.

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 Joyce
Director of Regeneration and Planning