

Mr Gaspole Graham
GRAHAM ASSOCIATES
33 Fontaine Road
London
SW16 3PB

Application Ref: **2017/1790/P**
Please ask for: **Kate Henry**
Telephone: 020 7974 **2521**

7 June 2017

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted

Address:

**Basement
Ground and First Floor
93 Charlotte Street
London
W1T 4PY**

Proposal:

Variation of condition 3 (approved plans) of planning permission 2014/3710/P, dated 02/03/2015 (for erection of single storey rear extension at first floor level and renovation of restaurant), namely to allow changes to layout at basement, ground and first floor levels

Drawing Nos: Site Location Plan at 1:1250; 6293/22.1.15/01D; 6293/22.1.15/02D;
6301/23.8.16/103A; 6301/23.8.16/104A

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 the original permission 2014/3710/P, dated 02/03/2015.



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 and policies D1 and D2 of the Camden Local Plan Submission Draft 2016.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan at 1:1250; 6293/22.1.15/01D; 6293/22.1.15/02D; 6301/23.8.16/103A; 6301/23.8.16/104A

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 and policies A1 and A4 of the Camden Local Plan Submission Draft 2016.

- 5 Prior to use, the extract/ ventilation system and ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration, 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 and policies A1 and A4 of the Camden Local Plan Submission Draft 2016.

- 6 Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling

separating the commercial part(s) of the premises from noise sensitive premises. Details shall demonstrate that the sound insulation value $D_{nT,w}$ is enhanced by at least 10dB above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises and to achieve the current criteria of BS8233:2014 within noise sensitive premises. 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/ adjacent dwellings/ noise sensitive premises is not adversely affected by noise, 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 and policies A1 and A4 of the Camden Local Plan Submission Draft 2016.

- 7 The first floor roof terrace shall not be used as outdoor amenity space and shall be accessed for maintenance purposes only.

Reason: In order to prevent unreasonable noise transfer into neighbouring premises 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 and policies A1 and A4 of the Camden Local Plan Submission Draft 2016.

Informative(s):

- 1 Reasons for granting permission

The proposal seeks to make changes to planning permission 2014/3710/P, dated 02/03/2015.

At basement level, an administrative office area is proposed at the rear of the building, involving a change to the existing layout of the WCs. At ground and first floor level, the position of the spiral staircase will be altered, to allow for the installation of a lift between the basement and first floor levels of the building. At first floor level, it is proposed to use both the front and rear parts of the building for additional seating for the restaurant, rather than for offices and storage use.

The proposal to use the first floor of the building as part of the restaurant would give rise to more activity at this level of the building. A suitable condition can require the submission and approval of details of enhanced sound insulation between the commercial and residential parts of the building prior to the commencement of development.

A further condition can ensure that the first floor roof terrace would not be used either by customers or by staff (use for maintenance purposes only), to prevent the transfer of noise upwards to the residential unit above.

Subject to the suggested conditions, it is not considered that the proposed revisions would cause undue harm to the residential amenities of nearby and neighbouring properties by way of noise and vibration; odour, fumes or dust.

No objections have been raised in relation to the works. The application site's planning history and relevant appeal decisions were taken into account when coming to this decision.

Considerable importance and weight has been attached to the harm and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under and s.72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

The proposed development is in general accordance with Policies CS5, CS7, CS8, CS9, and CS14 of the London Borough of Camden Local Development Framework Core Strategy, and Policies , DP13, DP24, DP25 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 provisions of the National Planning Policy Framework 2012. The proposal also accords with Policies A1, A4, D1, D2 and TC4 of the Camden Local Plan Submission Draft 2016.

- 2 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions (and obligations where applicable) as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).
- 3 The emerging 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.
- 4 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).
- 5 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

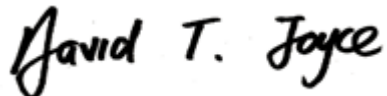
Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior 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

A handwritten signature in black ink that reads "David T. Joyce". The signature is written in a cursive, slightly slanted style.

David Joyce
Director of Regeneration and Planning