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<http://www.kua-aina.co.uk>

VAT Registration Number: 100173089

FAO: Mr Tony Young
Planning Services
London Borough of Camden
5 Pancras Square
London
N1C 4AG

30 August 2017

Dear Mr Young,

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
APPLICATION FOR VARIATION OF CONDITION 4 OF PLANNING PERMISSION '2015/3833/P' AT NO. 40 GOODGE STREET, LONDON, W1T 2QP

I write on behalf of the applicant (KA Sandwich Fitzrovia Ltd) relating to the above variation of condition application of planning permission '2015/3833/P'.

By way of background, planning permission '2015/3833/P' was granted by the Local Planning Authority (LPA) on 9 November 2015. We have subsequently written to you in an application dated 22 January 2016 to vary Condition 4 of the consent stipulating:

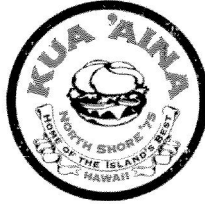
"Variation of condition 4 (requiring automated clocks installed to ensure equipment does not operate between 22:00 and 08:00 hours) as required by planning permission (2015/3833/P) dated 09/11/2015 for replacement and extension of flue stack, and installation of condensers, namely to exclude condenser units from restricted operational hours and to vary the hours of operation to between 23:00 to 07:30 (Mon-Fri) and 23:00 to 09:30 (Sat-Sun).

Since our last written correspondence, I am writing to provide you with the following update that:

- 1) We have installed the noise mitigation measures as updated and agreed by emails, among other things, dated 7 December 2015, 14 March 2016, and 12 August 2016 with yourself, Mr John Sheehy, Ms Janice Fleming and/or Mr Edward Davis.
- 2) We understand that all noise conditions have now been discharged and that there is no outstanding enforcement case open.

In support of this variation, we would like to reiterate the following comments:

KA Sandwich Fitzrovia Ltd. Registered in England & Wales no. 8992478
Registered Office: Kua 'Aina, 40 Goodge Street, London, W1T 2QP



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Condenser Units

The condensers need to be powered on 24/7 since, like any restaurant, they are critical to our food refrigeration system situated inside the restaurant. This does not mean however that they are operational 24/7, as they only turn on as and when required to maintain correct food hygiene temperatures. In light of this, we propose that condition 4 be varied so that it excludes the condenser units from the restricted operational hours. We believe that the sound mitigation measures for the condensers (as approved in the original planning permission 2015/3833/P) is and has proved sufficient.

Flue Extraction System

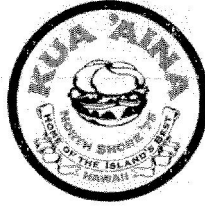
We have already installed the ability to control operational hours with an automatic time clock on the kitchen extract flue. However, we do not agree with the stipulated operational hours imposed under condition 4. Our restaurant opening times are Mon-Fri: 8am-10.30pm (last order); and Sat-Sun: 10am-10.30pm (last order). Given that we need the flue extraction system to be switched on 30 minutes before the restaurant opens (to warm up the system ready for first use) and 30 minutes after 'last orders' (in order to facilitate the cleaning of the kitchen and extraction system) - we propose to vary condition 4 so that the flue extraction system does not operate between 11pm to 7.30am (Mon-Fri) and 11pm to 9.30am (Sat-Sun).

We would also like to highlight that other neighbouring A3 use restaurants have opening times that are similar to or longer than ours. Some of these restaurants and their opening times are shown in **Table 1**. Therefore, we are of the view that the current restrictions on operational hours stipulated in condition 4 are unreasonable and would put us at an unfair/unjustified competitive disadvantage in this established Charlotte Street food and drink hub that we are situated in.

It is also worth noting that the previous occupant at our current address, Signor Grilli Restaurant, opened until 11 pm Monday to Sunday.

Table 1 – Opening Hours of Surrounding Restaurants

Restaurant Name	Restaurant Address	Opening Hours
ICCO	46 Goodge Street, London W1T 4LU	7am – 11pm Mon – Thu, 7am – 12 am Fri, 8 am – 11 pm, Sat – Sun
Newman Street Tavern	48 Newman Street, London W1T 1QQ	7:30am – 11pm Mon – Fri, 10am – 11pm Sat, 10am – 4:30pm Sun
Le Pain Quotidien	64 Tottenham Court Road, London W1T 2ET	7am – 10pm Mon – Fri, 9am – 10pm Sat, 9am – 9pm Sun



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Cote	5 Charlotte St, London W1T 1RE	8am – 11pm Mon – Fri, 9am – 11pm Sat, 9am – 10:30pm Sun
Oscar Bar & Restaurant / Charlotte Street Hotel	15-17 Charlotte St, London W1T 1RJ	7am – 11pm Mon – Sat, 8am – 10:30pm Sun
Wahaca	19-23 Charlotte St, London W1T 1RL	12pm – 11pm Mon – Sat, 12pm – 10pm Sun
Brasserie Blanc	8 Charlotte St, London W1T 2LS	9 am – 11pm Mon – Sat, 9:30am – 9:30pm Sun
Salt Yard	54 Goodge Street, London W1T 4NA	12pm – 11pm Mon – Sat, 12pm – 10pm Sun
Trattoria Mondello	36 Goodge St, London W1T 2QN	12pm – 10:45pm Mon – Sat

I trust that the information provided above is sufficient to justify the variation of condition 4. Should you have queries at this stage, please do not hesitate to contact me on [REDACTED]. Thank you.

Yours sincerely, [REDACTED]

Ed Bardos