

Mr Aslan  
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Application Ref: **2017/1668/P**  
Please ask for: **Ben Farrant**  
Telephone: 020 7974

5 October 2017

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted**

Address:  
**46-50 New Oxford Street**  
**London**  
**WC1A 1ES**

#### **Proposal:**

Change of use of basement and ground floor from retail (Class A1) to restaurant (Class A3) and installation of exhaust flue louvre to west elevation

Drawing Nos: A100, A101, BS4142 Noise Assessment, Viability Justification document (unnumbered), & Design and Access Statement (unnumbered)

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 D1 and D2 of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: A100, A101, BS4142 Noise Assessment, Viability Justification document (unnumbered), & Design and Access Statement (unnumbered)

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

- 4 No sound emanating from the use shall be audible within any adjoining premises between 2300 hrs and 0700 hrs.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 5 The use hereby permitted shall not be carried out outside the following times 11:00 to 23:00 Mondays to Sundays and Bank Holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 6 Prior to use, machinery, plant or equipment 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 policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 7 Prior to the first use of the premises for the A3 use hereby permitted, the ventilation and filtration equipment to suppress and disperse fumes and/or smells created from cooking activities on the premises, shall be installed and be in full working order in accordance with the approved scheme. All such measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations. In the event of no satisfactory ventilation plant and / or machinery being provided, no primary cooking shall take place on the premises.

Reason: To safeguard the amenities of the premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 8 Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(A) below the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises are not adversely affected by noise from plant/mechanical installations in accordance with the requirements of policies A1, and A4 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission.

The subject site is located outside of a shopping frontage, however it is within the Museum Street Central London Area and the Bloomsbury Conservation Area.

Whilst para.4.69 of CPG5 restricts the loss of A1 units within designated frontages within the Museum Street Central London Area, as above, the proposal is outside of a designated frontage. With this respect, Local Plan 2017 Policy TC3 seeks to protect shops outside of centres where alternative provision is within 5-10 minutes walking distance, there is clear evidence the current use is unviable, and the proposal positively contributes to local character, function, viability and amenity of the surrounding area. Requirements for demonstrating viability are outlined in para.7.18 of CPG5.

The applicant has submitted sufficient information which clearly demonstrates the current A1 use is unviable, including: a statement from the current occupant; full justification of the history of the site, current workings of the business, and how the proposed use would fit within the surrounding area; alternative provision is within 5-10 minutes walking distance; and full details of the marketing of the property for 18 months. Given the above, the change of use is considered acceptable and complies with policy guidance in this instance.

External ductwork is not proposed as part of this development, with an internal extraction, flue, and filtering system, with the only external alteration being the inclusion of a louvered vent to the side of the property alongside two existing extraction vents. Overall the external changes are considered acceptable in terms of design and appearance and would not adversely impact on the character, appearance, or historic interest of the conservation area. Any shopfront and advertisement changes would require a separate planning application.

The applicant has submitted a Noise Impact Assessment report which has been reviewed by an Environmental Health Officer and is considered to be acceptable.

The proposed operating hours are 11:00 to 23:00 Monday to Sundays including public holidays. A condition has been imposed to secure operating hours and to ensure no music is audible from adjoining properties. Acoustic conditions have also been imposed. Due to the conditions of consent and given New Oxford Street is a busy road, it is considered the impact would be acceptable in terms of neighbours amenity.

No onsite parking is available to staff or customers, and therefore no parking issues are considered to occur. Waste would be stored within the basement level and collected outside of business hours for kerb side collection; the space provided is considered suitable for an operation of this size.

No comments were received following public consultation on the scheme. The site's planning history 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 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

As such, the proposed development is in general accordance with policy D1, D2, A1, A4, D1, D2, CC5 and TC3 of the Camden Local Plan 2017, The London Plan 2016, and NPPF 2012.

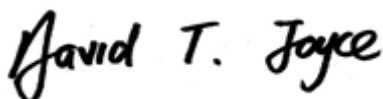
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website 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.
- 3 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that 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, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).

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