

Mr Adam Beamish  
Beamish Planning Consultancy  
33 Holland Gardens  
Brentford  
TW8 0BE

Application Ref: **2017/4237/P**  
Please ask for: **Ben Farrant**  
Telephone: 020 7974

14 November 2017

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted**

Address:

**Basement and Ground Floor**  
**323 Gray's Inn Road**  
**London**  
**WC1X 8PX**

Proposal:

Change of use from restaurant (Use Class A3) to a hot food takeaway (Use Class A5)

Drawing Nos: Location Plan (unnumbered), 2697/PL099, 2697/PL100 & Noise Report (Ref: 11093/1)

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 (unnumbered), 2697/PL099, 2697/PL100 & Noise Report (Ref: 11093/1).

Reason:

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

- 3 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.

- 4 The use hereby permitted shall not be carried out outside the following times: 11:00 to 02:00 on Sundays to Thursdays and Bank Holidays, and 11:00 to 03:00 on Fridays and Saturdays.

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 Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(A) (then adding corrections in addition if relevant (i.e tonal equipment is background minus 15dB) 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.

- 6 Prior to the first use of the premises for the A5 use hereby permitted, full details of a scheme for ventilation and filtration equipment to suppress and disperse fumes and/or smells created from cooking activities on the premises, including manufacturers specifications, noise levels and attenuation, shall be submitted to and approved by the Local Planning Authority in writing. The use shall not proceed other than in complete accordance with such scheme as has been approved. All such measures shall 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 adjoining premises and the area generally in accordance with the requirements of policies G1, A1, A4, & D1 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission:

The site is within the Kings Cross/Euston Road central London Frontage and a

Primary Shopping Frontage; no external alterations or alterations to extraction are proposed.

CPG5 generally resists the loss of retail units, as well as the change of use to food, drink and entertainment uses in this area on the basis of harm to the function and character of the area and creating unacceptable cumulative impacts, with a presumption against the loss of A1 units, particularly within a Central London Frontage such as this.

It is noted however that the site currently consists of an A3 (café/restaurant) use, and so the change of use would not constitute an increase in the number of food, drink and entertainment units within this stretch, nor would it represent the loss of retail floorspace. The core function of the site as a hot food establishment would remain largely the same. It is also acknowledged that the site is within the Kings Cross/Euston Road central London Frontage, with town centre locations generally considered suitable for an A5 use. As such, the proposal in this unusual instance is considered to be acceptable in policy terms.

CPG5 and policies TC2 and TC4 of the Local Plan state that food, drink and entertainment establishments can cause disruption to neighbours with regards to noise, litter, antisocial behaviour and parking. It is also noted that residential units exist within the floors above this stretch of commercial units.

It is acknowledged however that this property in particular is on a busy stretch of road, within the Kings Cross/Euston Road central London Frontage, with an existing A3 use occupying the unit. It is also acknowledged the unit has unrestricted opening hours (following change of use via existing lawful development certificate ref: 2007/5034/P dated 19/12/2007), currently trading from 10:00 every day, until 02:00 Monday and Tuesday, 03:30 Sunday, Wednesday and Thursday, and 06:00 Friday and Saturday. It is also acknowledged there are similar late night units within this stretch, with 'Euro Tandoori' (no.325), 'Indian Lounge' (no.343) and 'Kings Cross Tandoori' (no.341) being open 12:00-00:00 daily, and 'Eddie's Fish Bar' (no.327) being open 10:00-01:00 daily.

The existing function of the site as an A3 use with unrestricted opening hours already provides a set of environmental conditions that have been present for a substantial period of time without evidence of residential complaints or anti-social behaviour.

A noise report has also been submitted demonstrating background level noises which has been assessed as acceptable by the Environmental Health Team. Additionally, the Designing Out Crime Team make no objection to the proposal. Full details of extraction would be required by condition to ensure no adverse impact in terms of noise, odour and fumes. On the basis of the above, and subject to appropriate conditions, the proposal is considered not to result in undue harm to the amenities of neighbours.

The site has an excellent PTAL rating of 6A (highest achievable), no parking is provided for staff and it is anticipated that the proposal is unlikely to result in an additional volume of traffic.

The refuse storage and collection arrangements for the A5 use would remain unchanged from the current arrangement for the A3 use. This is considered to be acceptable.

One objection was received following public consultation on the scheme, on the grounds of a lack of need for an A5 unit which would 'depress' the area; however as above the scheme is considered to be acceptable in policy terms and considering the impact on neighbours. The site's planning history was taken into account in coming to this decision.

As such, the proposed development is in general accordance with policies A1, A4, TC2 & TC4 of the Local Plan 2017, CPG5, The London Plan 2016, and NPPF 2012.

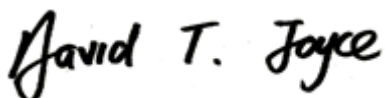
- 2 You are advised that any works of alterations or upgrading not included on the approved drawings which are required to satisfy Building Regulations or Fire Certification may require a further application for listed building consent.
- 3 Noise from demolition and construction works is subject to control 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 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.

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