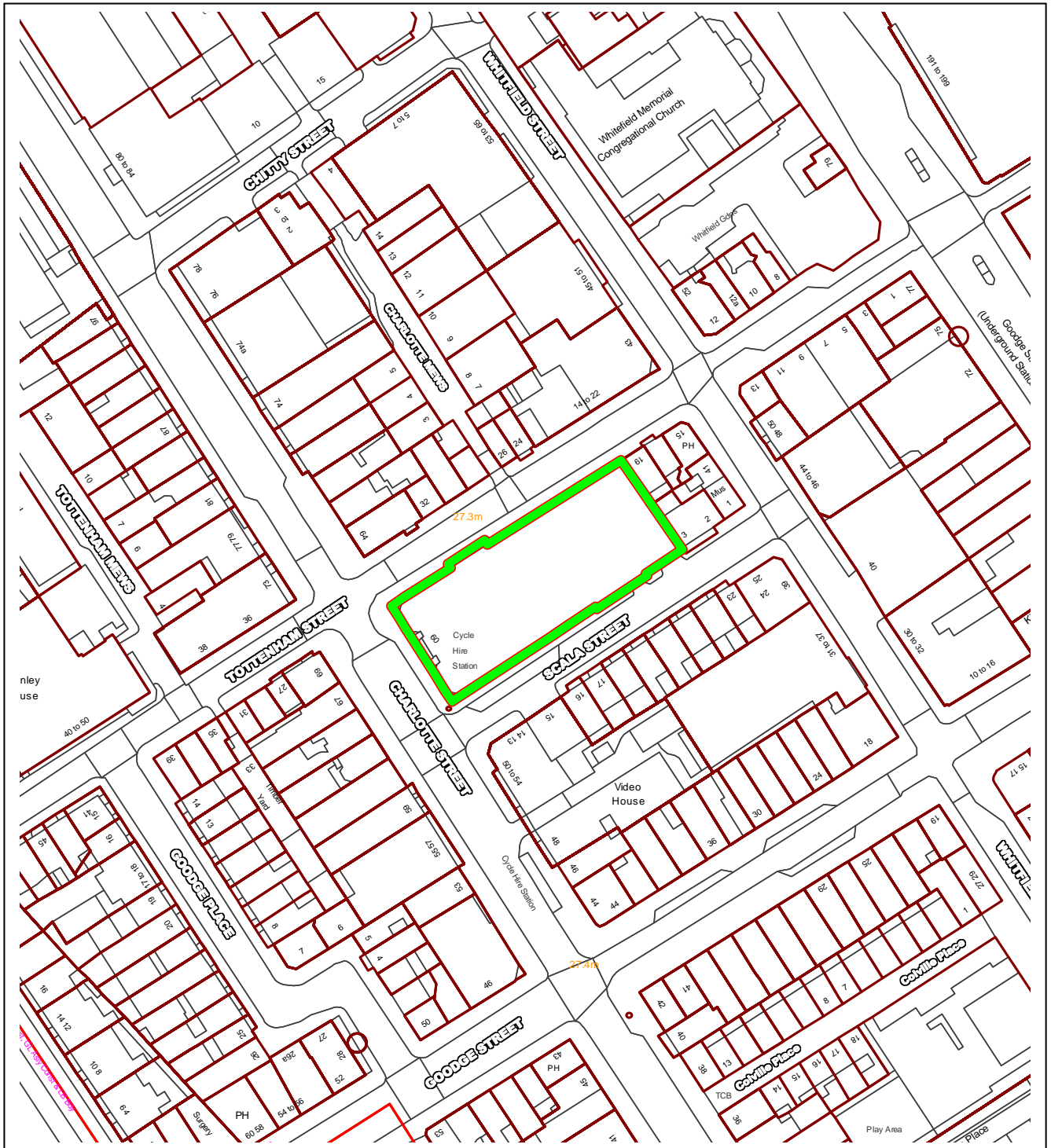


60 Charlotte Street, London, W1T 2NU - 2019/3512/P



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.

Site photographs

1. Existing Charlotte Street frontage



2. Existing Charlotte Street frontage



Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:		03/09/2019			
		N/A		Consultation Expiry Date:		22/09/2019			
Officer				Application Number(s)					
Patrick Marfleet				2019/3512/P					
Application Address				Drawing Numbers					
Restaurant And Premises At Basement And Part Ground Floor 60 Charlotte Street London W1T 2NU				Please refer to draft decision notice					
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature			
Proposal(s)									
Removal of condition 3 (restriction on ground floor use) and amendment to condition 2 (hours of operation) of planning permission 2007/5661/P dated 05/02/2008 (Amendment to planning permission (ref 2007/1531/P) dated 08 June 2007 (for the change of use of part basement to an alternative use as either offices (Class B1) or restaurant (Class A3) relating to change of use of part of ground floor behind approved restaurant reception area to either additional restaurant space (Class A3) or office accommodation (B1) and minor works to Tottenham Street ground floor elevation), namely to allow the serving of hot/cold food and beverages at ground floor level and to reduce the hours of operation.									
Recommendation(s):		Grant conditional planning permission							
Application Type:		Variation or Removal of Condition (s.73)							
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice							
Informatives:									
Consultations									
Adjoining Occupiers:		No. of responses		00		No. of objections		05	
Summary of consultation responses:		Site notice: displayed from 25/09/2019 - 19/10/2019 Press notice: displayed from 26/09/2019 - 20/10/2019 No comments received.							
Fitzrovia Neighbourhood Association		The Fitzrovia Neighbourhood Association objected to the application on the following grounds. <ol style="list-style-type: none"> 1. Object to this application to remove the condition because it would have a detrimental effect on the amenity of local residents and the character of the area. 2. This part of Charlotte Street and nearby Tottenham Street and Scala Street has a mix of uses and a delicate co-existence. Removing the condition tips the balance and would mean an intensification of A3 							

use at the premises to the detriment of local residents and the character of the area.

3. We note that permission was also refused for removal of condition 3 in June 2008 because it would have a detrimental impact on residential amenity and the character of the area. Since that date there has been an increase in homes surrounding the premises and there has also been some increase in A3 use and some loss of A1 use. As such the protection of amenity has become more important as more residents would be negatively impacted by the removal of the condition.

Officer response

1. *The issues raised above are discussed in section 2.3 of this report.*

Site Description

The application site relates to an existing restaurant unit (Class A3) located on the ground floor and basement level of an eight storey commercial building located between Charlotte Street, Scala Street, Tottenham Street and Whitfield Street.

The application building is not listed but is located within the Charlotte Street Conservation Area.

Relevant History

Application site

2007/1531/P - Change of use of part basement to an alternative use as either offices (Class B1) or restaurant (Class A3). **Approved 08/06/2007.**

2007/5661/P - Amendment to planning permission (ref 2007/1531/P) dated 08 June 2007 (for the change of use of part basement to an alternative use as either offices (Class B1) or restaurant (Class A3)), relating to change of use of part of ground floor behind approved restaurant reception area to either additional restaurant space (Class A3) or office accommodation (B1) and minor works to Tottenham Street ground floor elevation. **Approved 05/02/2008.**

2008/1479/P - Removal of condition 3 of planning permission (ref 2007/5661/P) dated 05/02/08 'amendment to planning permission (ref 2007/1531/P) dated 08 June 2007 (for the change of use of part basement to an alternative use as either offices (Class B1) or restaurant (Class A3)), relating to change of use of part of ground floor behind approved restaurant reception area to either additional restaurant space (Class A3) or office accommodation (B1) and minor works to Tottenham Street ground floor elevation' namely, to allow the consumption of hot and cold drinks within the enlarged ground floor reception area ancillary to the approved restaurant. **Refused 09/06/2008 due to detrimental impact proposal would have on residential amenity and the character of the area.**

Neighbouring site

64-66 Charlotte Street and 32 Tottenham Street

2016/3133/P - Change of use at ground and basement floor levels from Class B1 (office) use to Class A3 (restaurant/cafe) use at 64 Charlotte Street and from Class A3 (restaurant/cafe) use to Class B1 (office) use at 32 Tottenham Street, involving internal reconfiguration and resizing of units and installation of a replacement kitchen extract system to the rear. **Approved 30/12/2016.**

Relevant policies

National Planning Policy Framework 2019

The London Plan March 2016 and Draft London Plan 2019

Camden Local Plan 2017

A1 Managing the impact of development
A4 Noise

Camden Planning Guidance 2018/2019

CPG Amenity

Fitzrovia Area Action Plan

Charlotte Street Conservation Area Appraisal and Management Strategy (July 2008)

Assessment

1 PROPOSAL

1.1 The current application seeks to vary condition 2 (hours of operation) and remove condition 3 (restriction on ground floor use) of permission reference 2007/5661/P dated 05/02/2008.

1.2 The approved hours of operation for the existing restaurant use are to be reduced as part of the current application and the wording of condition 2 would be amended as follows:

Existing

The use hereby permitted shall not be carried out outside the following times 08:00hrs-01:00hrs Mondays to Saturdays and 08:00hrs-23:00hrs on Sundays and Bank Holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies SD6 and R1B/R2/R3 of the London Borough of Camden Replacement Unitary Development Plan 2006.

Proposed

The use hereby permitted shall not be carried out outside the following times 08:00hrs-23:30hrs Mondays to Sundays.

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 Camden Local Plan 2017.

1.3 The application also seeks to remove condition 3 which currently restricts the ground floor area of the restaurant from serving food and beverages. See wording of the condition below:

The sales and consumption of hot/cold food and hot/cold beverages at ground floor level is not permitted at any time of day seven days a week.

Reason: In order to restrict restaurant activity to the basement level so that surrounding residential amenity and the character of the area is protected in accordance with the requirements of policies SD6, R2 and R3 of the London Borough of Camden Replacement Unitary Development Plan 2006.

1.4 No external alterations are proposed and the floor area of the existing restaurant would remain unchanged. The proposal is to alter a condition and remove a condition from the original permission (reference 2007/5661/P) and would not alter the wording of the description of development.

2 ASSESSMENT

2.1 The material considerations for this application are as follows:

- Land use
- Amenity of neighbouring residential occupants

2.2 Land Use

2.2.1 The basement of the application site was granted permission for a restaurant use in 2007 under permission reference 2007/1531/P, which also included a small reception area at ground floor level. A subsequent application was submitted and approved in 2008, under permission reference 2007/5661/P, which granted permission for the ground floor reception area to be expanded by approximately 90sqm to provide ancillary restaurant space.

2.2.2 The current application does not seek to alter the floor area of the existing restaurant and the layout of the site would remain largely unchanged, apart from some additional seating and the inclusion of a bar at ground floor level. Therefore, the existing restaurant is an established use that would not be altered by the proposals and no objection is raised on land use grounds.

2.3 Amenity of neighbouring residential occupants

2.3.1 Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents. This includes privacy, overlooking, outlook and implications on daylight and sunlight. CPG6 (Amenity) provides specific guidance with regards to privacy, overlooking and outlook.

2.3.2 Whilst no objections have been received from any neighbouring residents officers note the concerns raised by the Fitzrovia Neighbourhood Association with regard to the intensification of the A3 use and the impact the proposed use of the ground floor as a dining space would have on the amenity of neighbouring residents. With regard to the intensification of the use, the proposals seek to install tables and a bar area to the existing ground floor restaurant space which would allow for an additional 21 seated customers (plus standing). The majority of customers dining at the site would continue to be seated in the basement space.

2.3.3 Regarding the history of the site, a similar application (2008/1479/P) to remove the same condition was refused by the Council in 2008. It was considered that the removal would encourage customers to congregate and remain at ground floor level for longer periods of time producing increased activity and noise disturbance that would have a detrimental effect on surrounding residents' amenity. However, any customers visiting the site would be located within the internal envelope of the building as there is no outdoor seating or waiting area. Therefore, any noise generated from people using the ground floor space would be confined within the interior of the building and would not cause significant noise and disturbance to the closest neighbouring residents along Tottenham Street and Charlotte Street opposite.

2.3.4 Furthermore, the application site is a commercial unit located at the bottom of a commercial building in the Central London Area, and a degree of noise and activity at street level is to be expected, provided that it is appropriately managed. Restaurants typically have the main dining spaces located at ground floor level as this is where customers wish to sit and dine. The location of food and drink uses at the ground floor of both commercial and residential buildings is a common feature across London, particularly the Central London Area and examples of this can be seen within the immediate vicinity of the site.

2.3.5 One existing site that is pertinent to the current application is the restaurant located at the ground

floor and basement of No.66 Charlotte Street (directly opposite No.60) which was granted permission in 2016 (ref 2016/3133/P). This gave approval for a change of use from office space to a restaurant with the customer dining area located at ground floor level. It is also important to note that the upper floors of No.66 are in residential use, unlike the upper floors of No.60 which are offices, and the permission had a number of conditions attached to it to protect the amenity of neighbouring residents. One of these conditions secured opening hours of 08:00 – 23:30 daily, which the current application at No.60 seeks to adopt. This would be a reduction on the current opening hours which allow the restaurant to remain open until 01:00am Monday to Saturday.

2.3.6 The applicant has submitted a noise management plan (NMP) in support of the current application which sets out the measures they will take to ensure that use of the existing ground floor space does not harm the amenity of neighbouring residents. The NMP provides, amongst other things, commitments from ensuring all deliveries and refuse collections are sensitively timed between 08:00 and 20:00 Monday to Saturday, to preventing large numbers of smokers from congregating outside the entrance to the site. The submitted management plan is therefore considered to be sufficiently detailed and demonstrates the applicant's commitment to ensuring the sensitive management of the site.

2.3.7 Given the above, the proposed use of the existing ground floor area of the restaurant to serve food and drink is considered acceptable and would not have a significant impact on the amenity of neighbouring residents.

3 Recommendation

3.1 Grant variation/removal of condition application

DISCLAIMER

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 16th December 2019, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'

Application ref: 2019/3512/P
Contact: Patrick Marfleet
Tel: 020 7974 1222
Date: 10 December 2019

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk

Bidwells LLP
Seacourt Tower
West Way
Oxford
OX2 2JJ
United Kingdom

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted

Address:

Restaurant And Premises At Basement And Part Ground Floor
60 Charlotte Street
London
W1T 2NU

DECISION

Proposal: Removal of condition 3 (restriction on ground floor use) and amendment to condition 2 (hours of operation) of planning permission 2007/5661/P dated 05/02/2008 (Amendment to planning permission (ref 2007/1531/P) dated 08 June 2007 for the change of use of part basement to an alternative use as either offices (Class B1) or restaurant (Class A3) relating to change of use of part of ground floor behind approved restaurant reception area to either additional restaurant space (Class A3) or office accommodation (B1) and minor works to Tottenham Street ground floor elevation), namely to allow the serving of hot/cold food and beverages at ground floor level and to reduce the hours of operation.

Drawing Nos:

Superseded plans: 4322/T(20)R P00

Plans for approval: 02342 00-01 B, Bidwells Planning Statement dated 09/07/2019, 0502(PL)001, Noise Management Policy dated July 2019

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 2007/5661/P dated 05/02/2008.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The use hereby permitted shall not be carried out outside the following times 08:00hrs - 23:30hrs Monday to Sunday.

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

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Director of Regeneration and Planning

DRAFT
DECISION