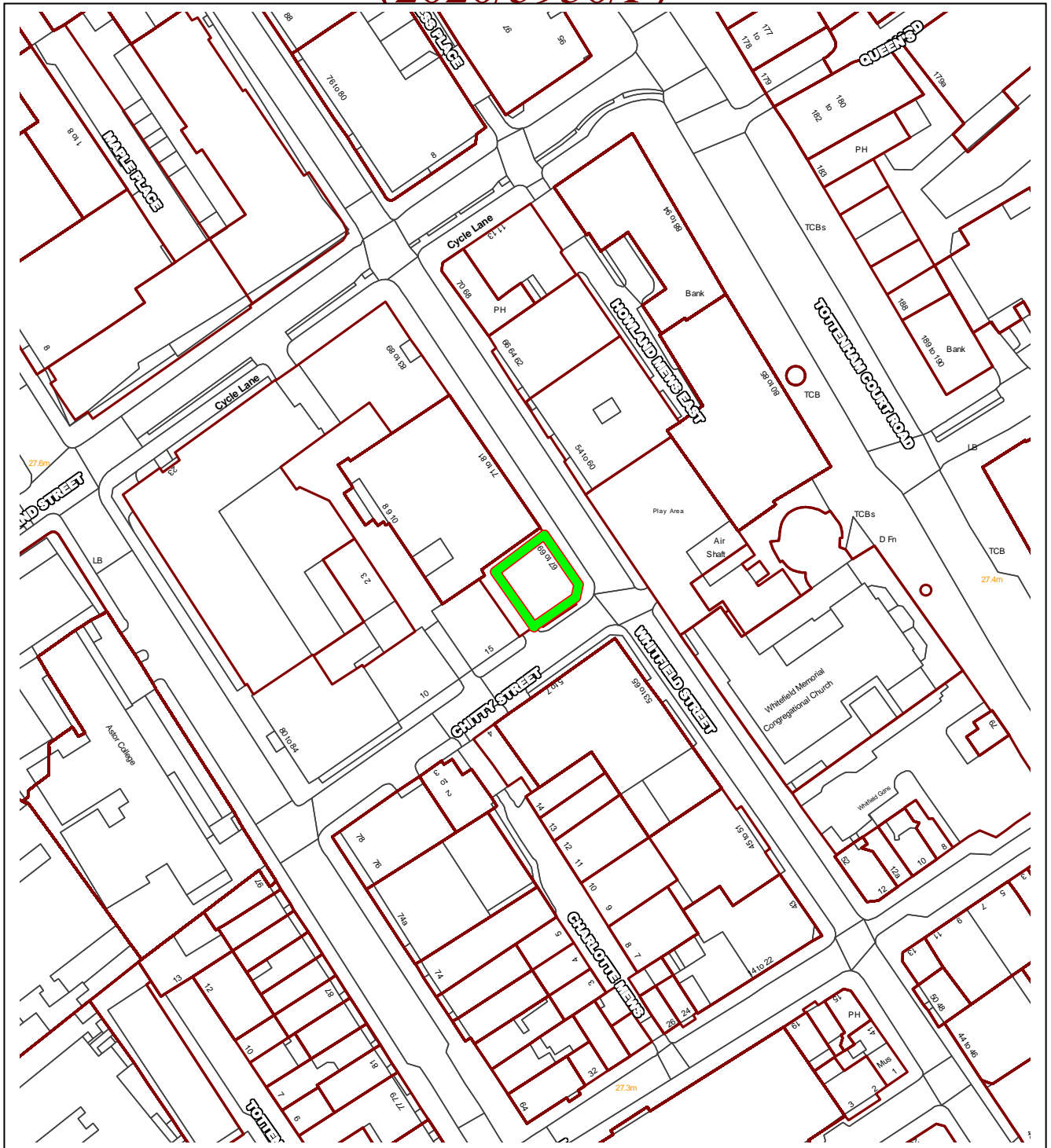


67 Whitfield Street, London, W1T 4DE (2020/5930/P)



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Site photos

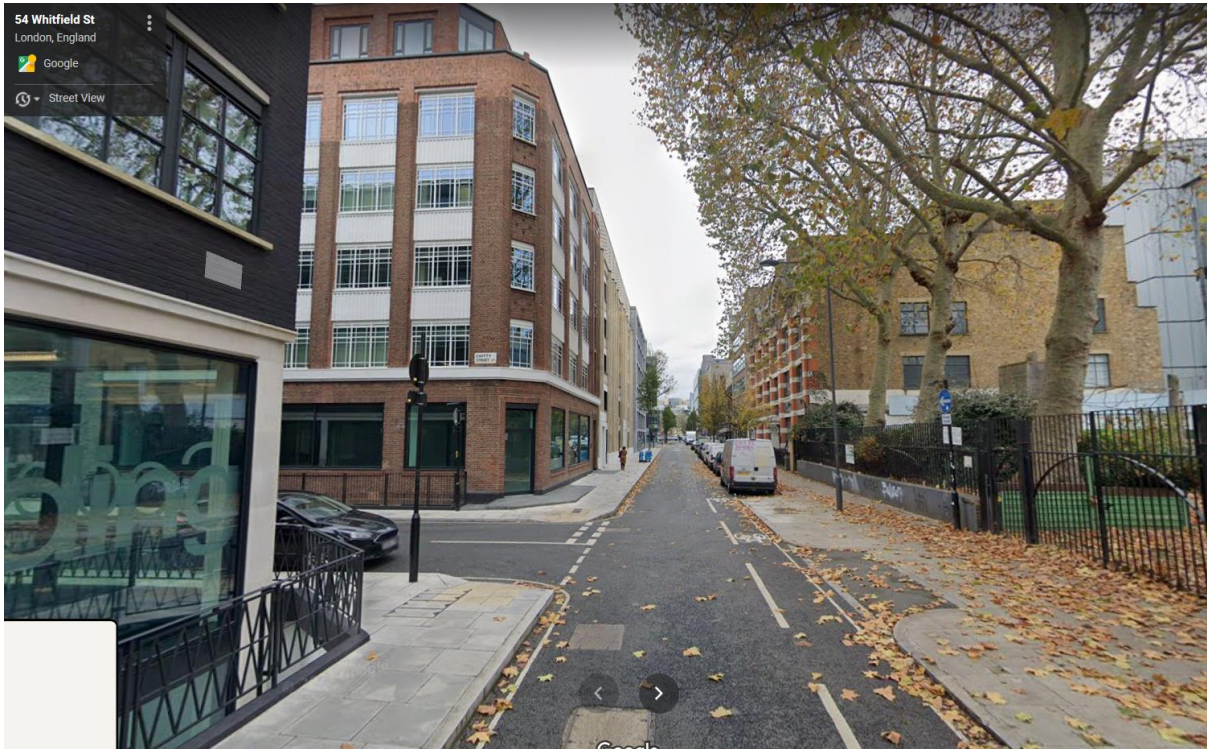


Photo 1 (above): View of no. 67 Whitfield Street on the corner of Whitfield Street and Chitty Street from Whitfield Street



Photo 2 (above): View of the ground floor unit from Whitfield Street looking east towards Chitty Street

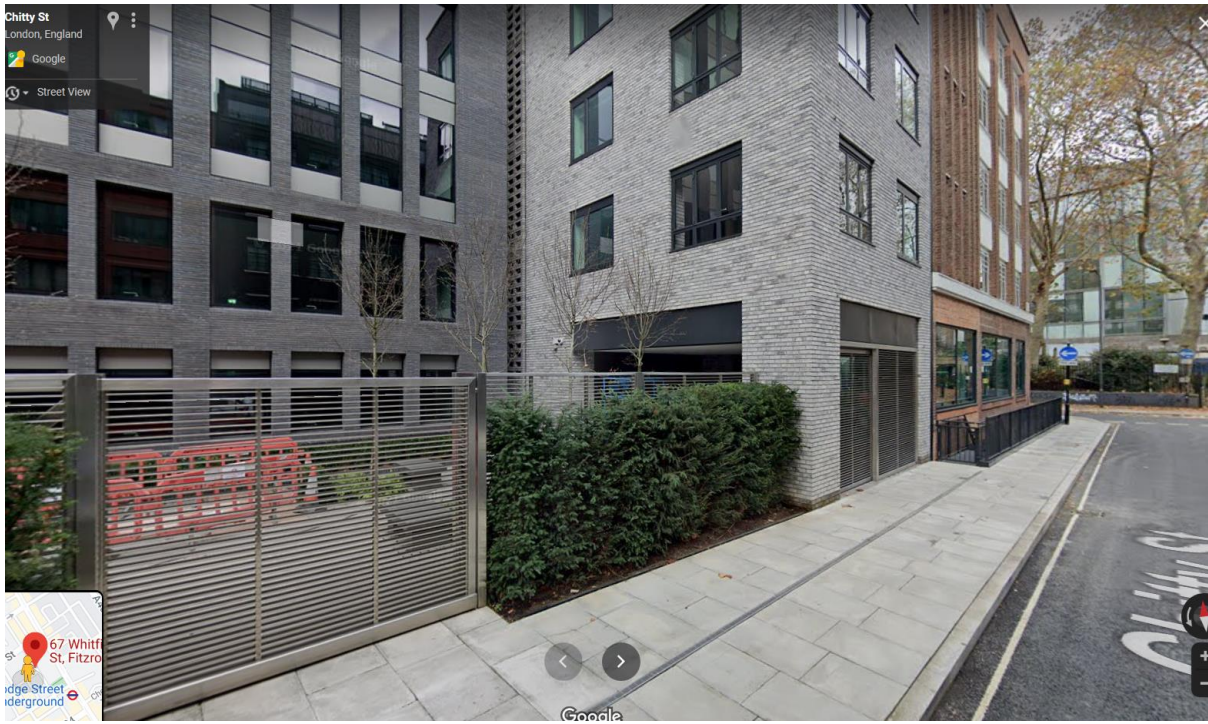


Photo 3 (above): View of the pocket park and undercroft area with the ground floor unit beyond



Photo 4 (above): Visualisation of the frontage of the restaurant

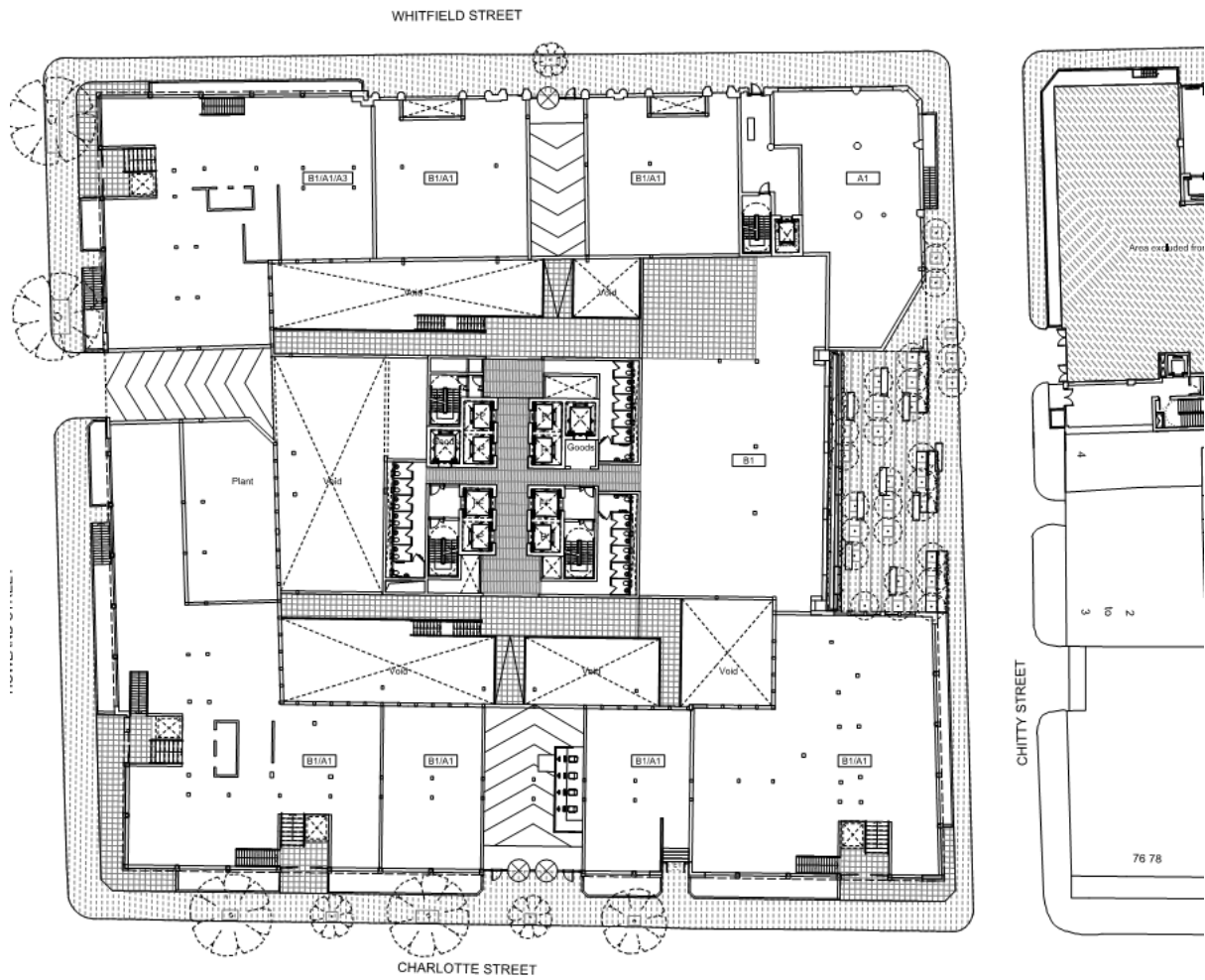


Figure 1: (Above) Ground floor plan approved under planning permission 2010/6873/P for 80 Charlotte Street

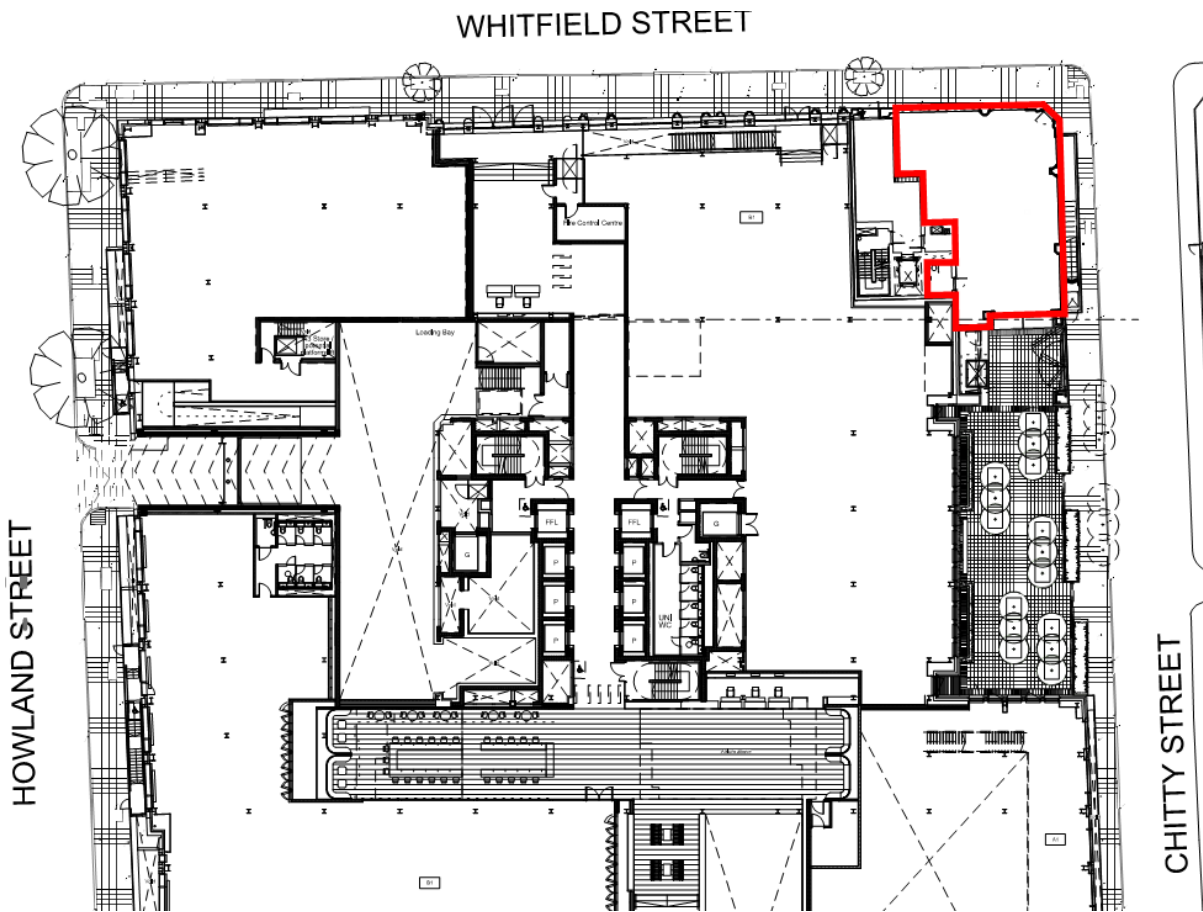


Figure 2 (above): Proposed ground floor plan outlining the site in red

| | | | | |
|--|----------------------------|---------------------------------------|-------------------------------------|-------------------|
| Delegated Report | | Analysis sheet | Expiry Date: | 15/02/2021 |
| (Members Briefing) | | N/A / attached | Consultation Expiry Date: | 21/03/2021 |
| Officer | | | Application Number(s) | |
| Elaine Quigley | | | 2020/5930/P | |
| Application Address | | | Drawing Numbers | |
| 67 Whitfield Street (Ground floor unit) London W1T 4DE | | | See draft decision notice | |
| PO 3/4 | Area Team Signature | C&UD | Authorised Officer Signature | |
| | | | | |
| Proposal(s) | | | | |
| Change of use of a ground floor retail unit (Use Class A1) to restaurant use (Use Class E) at 67 Whitfield Street, and enlargement of 1 extract louvre on the ground floor southern elevation of the unit. | | | | |
| Recommendation(s): | | Grant conditional planning permission | | |
| Application Type: | | Full Planning Permission | | |

| | | | | | | |
|---|--|-----------|------------------|-----------|-------------------|-----------|
| Conditions or Reasons for Refusal: | Refer to Draft Decision Notice | | | | | |
| Informatives: | | | | | | |
| Consultations | | | | | | |
| Adjoining Occupiers: | No. notified | 00 | No. of responses | 09 | No. of objections | 09 |
| | | | No. Electronic | 00 | | |
| Summary of consultation responses: | <p>Two site notices were displayed on site from 19/02/2021 to 15/03/2021– one on Whitfield Street and one on Chitty Street. A press notice was also published from 25/02/2021 to 21/03/2021.</p> <p>Additional site notices were displayed on 28/04/2021 as the site map on the original site notice incorrectly showed 80 Charlotte Street rather than 67 Whitfield Street. The site notices expire on 22/05/2021.</p> <p>9 letters of objection have been received from local residents at:</p> <ul style="list-style-type: none"> • Flat 2, Flat 11 and Flat 16 Elisa Court, 3-5 Chitty Street; • Flat 4 and Flat 15 Elisa Court, Chitty Street, • Flat 5, Elisa Court, 2-4 Chitty Street, • 2 x letters from Flat 3, 2-4 Chitty Street • Flat 2, 19 Tottenham Street <p>They raised the following concerns:</p> <p><u>Use</u></p> <ul style="list-style-type: none"> • There are 73 homes within close proximity to the site including flats in 69 Whitfield Street, 5 Chitty Street, Elisa Court, Chitty Street, Astra House, and 65 Whitfield Street. There are no restaurants within the immediate vicinity of these homes. Local residents would not have expected a restaurant to open near to their homes. If this is allowed the hours of opening should be limited to reflect normal office hours expected from the rest of 80 Charlotte Street. Condition should also restrict the hours of delivery to office hours. <p><i>Officers response: See para 6.3 of section 6 (Amenity)</i></p> <p><u>Noise and disturbance</u></p> <ul style="list-style-type: none"> • Chitty Street is a quiet street particularly in the evenings and weekends with limited foot traffic. A licensed premises would generate a lot of noise with early morning deliveries, customers arriving and departing, smokers and outside dining as well as drunken people loitering around on the street • It is clear from the licensing application that the proposal is for a bar and restaurant with late night opening 7 days a week, plus bank holidays until 11pm or 12am at night will create noise and disturbance and risk of anti-social behaviour • Noise from people dining in the outdoor seating area and in the covered area with the open side would result in constant noise • Condition should seek to prevent any noise from machinery from operating outside office hours <p><i>Officers response: See paras 6.3 to 6.7 of section 6 (Amenity)</i></p> <p><u>Smells</u></p> | | | | | |

- Cooking smells associated with the operation of the business. If the use is accepted conditions should be attached to prevent noise from any mechanical equipment from operating outside office hours

Officers response: See paras 6.8 to 6.10 of section 6 (Amenity)

Servicing

- Condition should restrict the hours of delivery to office hours

Officers response: See para 7.2 of section 7 (Transport)

Health

- People smoking outside the restaurant will mean secondary smoke flowing up to Elisa Court building opposite which is only a few meters away.

Officers response: See para 6.12 of section 6 (Amenity)

Safety

- There is a dark alley opposite the proposed restaurant and adjacent to Elisa Court that is likely to attract drunk smokers which will be a safety issue for single women walking home
- Pavement on Chitty Street is too narrow to accommodate outside drinking so this would probably take place in Whitfield Street. This frontage is opposite Fitzrovia Junior School playground and could have serious consequences.

Officers response: See paras 6.5 to 6.7 and 6.11 section 6 (Amenity)

Charlotte Street Association objects to the proposal on the following grounds:

Summary

The main reason for the objections is due to the very likely detrimental effect that the presence of a restaurant use, however well managed, will have on the existing residential amenity and the peacefulness of the main residential flats that are concentrated in the immediate vicinity, both above no. 67 Whitfield Street and opposite Chitty Street in this quiet part of Fitzrovia

Immediate uses within the site

- There are 73 homes within close proximity to the site including flats in 69 Whitfield Street, 5 Chitty Street, Elisa Court, Chitty Street, Astra House, and 65 Whitfield Street. Chitty Street is a quiet area, especially in the evenings, and weekends and during public/bank holiday days. There are existing residents (along Chitty Street) and newly created residential units as part of the planning permission for 80 Charlotte Street (flats above 67 Whitfield Street and those in Astra House)

Restaurant use

- Restaurant uses near residential is disturbing and noisy and especially if there is the addition of a substantial external undercroft area that will be used by customers (approx. some 80 customers). It would be extremely unfair to introduce an A3 restaurant use into this currently quiet and highly residential location. The approved A1 use would be invariably quieter with normal daytime hours and generally not open in the evenings.

Officers response: See paras 6.3 to 6.4 of section 6 (Amenity)

- The Governments intentions regarding the flexibility of uses introduced through the changes to the use class orders is already being included within the approved ground floor commercial units within the planning permission for 80 Charlotte Street where 8 commercial units have mainly flexible B1/A1.

Officers response: See paras 1.2 to 1.2 of Section 1 (Background)

- The unit on the north-east corner on Howland Street and Whitfield Street has permitted flexible B1/ A1/ A3 use and already has the option of being a restaurant use (A3 use). The committee report for the approved scheme for 80 Charlotte Street (2010/6873/P) stated that “*The prospective A3 use at the northeast corner of the site (Howland Street/Whitfield Street) would be surrounded by offices and well away from any residential units that could conceivably be affected by noise or disturbance arising from its operation*”. Camden recognised the issue and the problem of a restaurant / A3 use being located near residential uses as part of this application.

Officers response: See paras 4.7 to 4.9 of section 4 (Land use) and section 6 (Amenity)

Noise

- The premises includes a large open external area which fronts onto Chitty Street. This elevation has an open louvred screen and thus there will be no noise protection to the residential flats opposite, from

**Charlotte Street
Association**

the proposed restaurant customers sitting, chatting and the eating in this external undercroft area (this is not the small public pocket park next door).

Officers response: See paras 6.5 of 6.7 section 6 (Amenity)

Charlotte Street CAAC – objects to the proposal on the following grounds:
Unsuitable location

- The proposed location isn't appropriate in terms of use. Restaurant hospitality uses are confined to Charlotte Street and Goodge Street and should be kept in those areas without them being permitted to 'sprawl' into nearby areas.

Officers response: See paras 4.2 to 4.9 section 4 (Land use)

- These sorts of uses should be confined to defined areas to respect residential amenity particularly with the coming of streateries.

Officers response: See paras 6.3 to 6.12 section 6 (Amenity)

Site Description

The site is located on the south side of Whitfield Street on the junction with Chitty Street that runs to the south. It comprises a 5 storey building that incorporates the ground floor commercial unit that has permission for retail use with 19 new residential units on the upper floors. The site is within the curtilage of 67 Whitfield Street which is part of the larger development block at 80 Charlotte Street that has been redeveloped for mixed commercial and residential use.

The building is identified as a positive contributor and lies within the Charlotte Street conservation area. To the east of the site lies 65 Whitfield Street that comprises a commercial unit on the ground floor with residential units above.

The site lies within the Fitzrovia Area Action Plan area but is not located within the primary or secondary shopping frontage. It also lies within the Central London Area and Central Activities Zone.

Relevant History

Planning permission was **granted** on 04/05/2012 (ref 2010/6873/P) following call in by the Mayor of London on 27/06/2011 for creation of additional floorspace through the infilling of the existing courtyard, the extension of the existing basement, seven storey extension to the Chitty Street elevation and the construction of two additional storeys (creating a nine storey building in total, with existing buildings to be partially demolished) in association with the existing office use (Use Class B1); the creation of new public open space, change of use from office (B1) to create flexible units at ground and lower ground floor levels (Class B1, A1 or A3 use); and the change of use and extensions to 67-69 Whitfield Street to create 19 residential units (Use Class C3) all to the site bounded by Chitty Street Charlotte Street, Howland Street and Whitfield Street; erection of two additional floors and the partial change of use from office (Class B1) to residential (Class C3) to create 36 residential units; demolition of existing building and erection of a 3 storey residential (Class C3) building at 14 Charlotte Mews and other works incidental to the application.

Planning permission was **granted** on 30/03/2016 (ref 2015/7017/P) for variation of condition 2 (approved drawings) granted under reference 2010/6873/P dated 04/05/2012 for mixed use redevelopment of site; to demolish post war buildings on Charlotte Street, Chitty Street, Howland Street and part Whitfield Street and erection of new mixed use buildings, similar to those approved with minor façade and basement alterations.

Non-material amendment was **granted** on 11/05/2018 (ref 2018/2095/P) for variation of condition 2 (approved drawings) granted under ref 2010/6873/P dated 16/03/2012 for mixed use redevelopment of site, to demolish post war building on Charlotte Street, Chitty Street, Howland Street and part Whitfield Street and erection of new mixed use buildings as amended by a minor material amendment on 30/03/2016 ref 2015/7017/P, to include (1) removal of a secondary entrance on Charlotte Street and continuation of the existing lightwell / glazed bay condition (2) revision to solar thermal panel arrangement (3) revised lift overrun (4) revised AHU at roof level (5) adjustment of louvres at roof level (6) facade, terrace level and lightwell level door and window rationalisation (7) refinement to brick weave due to incorporate structure behind (8) Chitty Street gate design (9) adjustment of pocket park louvres (10) integration of rainwater pipes in the façade (11) new roller shutter door at loading bay (12) amendments to the roof plant access point at 67-69 Whitfield Street with removal of a small staircase (13) addition of a small balustrade behind the parapet at 67-69 Whitfield Street.

There are also a number of approval of details applications that have been approved between 2015 and 2020 in relation to the applications above. Relevant conditions include:

Condition 16 (A3 use ventilation)

Condition 16 (A3 use ventilation) of planning permission 2015/7017/P dated 30/03/2016 for variation of condition 2 (approved drawings) granted under reference 2010/6873/P dated 16/03/12 for mixed use redevelopment of site; to demolish post war buildings on Charlotte Street, Chitty Street, Howland Street and part Whitfield Street and erection of new mixed use buildings, similar to those approved with minor façade and basement alterations. The condition states "*Before the commencement of any*

A3 use, a scheme for the ventilation of and the extraction of fumes from the premises to an adequate outlet level, including details of sound attenuation for any necessary plant shall be submitted to, and approved in writing by, the Council. The development shall not be carried out otherwise than in accordance with any approval given and shall thereafter be maintained in effective order to the reasonable satisfaction of the Local Planning Authority.” This condition has not yet been discharged as no A3 user had come forward prior to the submission of this application.

Relevant policies

National Planning Policy Framework 2019

London Plan 2021

Camden London Plan 2017

DM1 Delivery and monitoring
G1 Delivery and location of growth
TC1 Quantity and location of retail development
TC2 Camden’s centres and other shopping areas
TC4 Town centre uses
A1 Managing the impact of development
A4 Noise and vibration
D1 Design
D2 Heritage
T1 Prioritising walking, cycling and public transport
T2 Parking and car-free development
T4 Sustainable movement of goods and materials

Fitzrovia Area Action Plan (March 2014)

Principle 5 Retail provision
Principle 9 Residential amenity

Camden Planning Guidance 2019 and 2021

Access for all (March 2019)
Amenity (January 2021)
Design (January 2021)
Town Centres and Retail (January 2021)

Charlotte Street Conservation Area Appraisal and Management Plan (2008)

Assessment

1.0 BACKGROUND

1.1 Planning permission, ref 2015/7017/P for the redevelopment of the urban block at 80 Charlotte Street for a mixed use scheme including commercial and residential uses, was granted on 30/03/2016. The development site included no. 67 Whitfield Street (the application site). The approved scheme for the redevelopment of the site included a number of commercial uses on the ground floor along Whitfield Street and Charlotte Street. No. 67 Whitfield Street has an authorised uA1 retail use. The majority of the other units include flexible uses of B1/A1 apart from the unit on the junction of Howland Street and Whitfield Street (no. 89 Whitfield Street) which has authorised use of flexible B1/A1/A3. This was granted through the main planning permission for the redevelopment of the block on 30/03/2016 (see planning history above). The hours of opening of the A3 use is restricted to 07:00 to 00:00 and a condition was attached to the permission to secure this (Condition 8). The ground floor of the unit at no. 89 Whitfield Street measures approximately 460 sq. m.

1.2 It must be noted that from 1st September 2020 Class A3 (amongst others) was revoked and Classes E, F1 and F2 were introduced. Class A1 (retail) and Class A3 (restaurant) now fall within the same use class and any changes within Use Class E would not constitute development and would

therefore not require planning permission. This proposal requires planning permission as the unit, although authorised as A1 retail, has not yet been implemented and was not operating within A1 use when the legislation came into effect in September 2020. However it must be noted that the unit would only have to become occupied for a relatively short period in A1 use before becoming able to change to a restaurant or any other use within Class E1 without the need to apply for planning permission. This is a strong material consideration.

2.0 PROPOSAL

2.1 Planning permission is sought for the change of use of the ground floor unit from retail use to restaurant use at 67 Whitfield Street. The unit measures approximately 166 sq. m and includes an entrance door on the corner of Whitfield Street and Chitty Street. It has not been occupied since the completion of the larger development of which it forms a part but has approval for use as a retail unit.

2.2 The proposed new restaurant would seat approximately 70 covers. There is a set of full height sliding doors on the southern elevation of the unit that provides access onto an undercroft area towards the Poet's Park which is a public park to the south. The applicant has confirmed that the undercroft area and pocket park would not be used by the restaurant for any dedicated external seating for the new restaurant.

2.3 The restaurant would operate during the following times:

| Days | Hours |
|------------------|--------------------|
| Monday to Friday | 07:30am to 11:00pm |
| Saturday | 09:00am to 11:00pm |
| Sunday | 09:00am to 5:00pm |

Figure 1 (above): Table of opening hours

2.4 The proposal would include the enlargement of an existing exhaust louvre concealed behind the metal doors of the bin store enclosure within the undercroft that measures 4.9m (width) by 2.7m (height). The existing exhaust measures 500mm x 300mm and would be increased to 2000mm x 400mm. The applicant has advised that no dedicated kitchen extract equipment would be required. The treatment of grease and odour would be undertaken at source.

Additional information

2.5 The applicant submitted the following additional information

- Confirmation of the hours of operation
- Letter from marketing firm Distrkt UK
- Additional drawings and technical information relating to the mechanical ventilation associated with odour control
- Planning comments to clarify issues including insulation between the ground floor and upper floors, external seating, cycle parking and clarification of servicing arrangements

89 Whitfield Street

2.6 The applicant has submitted a letter prepared by the marketing firm, Distrkt UK, regarding the marketing of 89 Whitfield Street. It sets out that the unit was marketed for 12 months from March 2019 to March 2020 but due to its size (approximately 460 sq. m) and the associated fit out costs from the developers shell, there was little positive interest from any operators to commit to the permanent letting of this unit.

2.7 When undertaking the original marketing campaign in the 12 months prior to COVID-19 the rental terms equated to £45 per sq. ft on the 5,000 sq. ft of floorspace (approximately 460 sq. m).

3.0 ASSESSMENT

3.1 The main considerations as part of the assessment of the proposal include:

- Land use

- Design
- Amenity
- Transport

4.0 LAND USE

Loss of retail floorspace

4.1 The site lies outside the primary and secondary designated shopping frontages within the Fitzrovia area. The proposal would not result in the loss of retail floor space as the unit has never been occupied since the practical completion of the wider development in May 2020.

Creation of restaurant use

4.2 Food, drink and entertainment uses such as restaurants are an important part of the mix and offer of Camden's centres. They contribute to the mixed use character of Fitzrovia, to the vibrancy and vitality and viability of the areas retailing and to street activity in the evenings and at weekends. The site is located within the Central London Area (Fitzrovia and South West Bloomsbury) and Central Activities Zone which continues to be the borough's economic focus and is considered an appropriate location for facilities of this nature.

4.3 Whitfield Street is mainly characterised by a mixture of commercial uses including office, retail, restaurant / café and pub / public house. This part of Whitfield Street has a number of residential properties above commercial uses and is identified as one of the quiet commercial streets within the Charlotte Street conservation area.

4.4 Policy TC2 states that the Council will seek to make sure that food, drink, entertainment and other town centre uses do not have a harmful impact on residents and the local area. It is acknowledged that these uses can also have harmful effects, such as noise and disturbance to residents, litter, anti-social behaviour, parking and traffic impacts.

4.5 The ground floor of the building on the opposite corner of Whitfield Street and Chitty Street has an authorised use for offices. The units along the remainder of the wider 2010 development scheme include offices and a flexible unit for B1/ A1/ A3 and there is a pub on the corner of Howland Street and Whitfield Street at nos. 68-70 Whitfield Street. This unit has not been occupied since its completion. Given that there is no dominant use in the area and the fact that the site is not in a defined commercial frontage, the proposal restaurant use is considered to be acceptable in principle provided that it would not harm the amenities of the residential properties on the adjoining and opposite sides of Chitty Street and above the site itself which includes residential flats at no. 69 Whitfield Street.

4.6 Concerns have been raised by local residents that the use would be a bar / restaurant. The applicant has confirmed that the proposal is for a restaurant use only. A bar falls within a different use class (sui generis use) and planning permission would be required for such a change of use.

Alternative locations

4.7 The Charlotte Street Association has raised the unit at no. 89 Whitfield Street that has planning permission for flexible A1/B1/A3. It questions why this site has not been marketed and occupied as a restaurant. In the committee report for the 2010 redevelopment scheme the unit at no. 89 was suggested to be a more appropriate location for a restaurant use as it was surrounded by commercial units rather than this site which is surrounded by residential flats.

4.8 The unit at no. 89 Whitfield Street has not been occupied since its completion. The applicant has confirmed that the unit has been marketed for restaurant use in the 12 month period until March 2020 prior to the first national lockdown following the global COVID-19 pandemic. The marketing firm Distrkt UK has submitted a letter stating that there has been no interest in the unit due to its size (approximately 460 sq. m) and the fact that it is not fitted out for any future tenant. The applicant has advised that there has been no interest in the unit over the marketing period and the marketing agent argues that following COVID-19 crisis there is little opportunity to secure any new interest in this unit in the immediate or medium term future.

4.8 Although there are residential properties above the application site on the upper floors and on the adjoining and opposite sides of the street along Chitty Street, the proposed restaurant use would not result in an unacceptable accumulation of food, drink and entertainment uses in the area which could harm the mixed use character of the area or the amenities. There are no other restaurant or drink establishment uses within a 40m radius of the site. The closest drink establishment is located on the corner of Howland Street and Whitfield Street. Consequently the proposal would not result in the accumulation of similar types of uses.

4.9 The agent has confirmed that the future tenant would be required to install a level of protection which ensures that acoustic requirements of the residential flats above are maintained. A condition would be attached requiring the details to be submitted before the use is occupied to ensure that this would meet the Council's minimum requirements to minimise noise breakout between the different uses.

5.0 DESIGN

5.1 The proposal would include external alterations relating to the installation of mechanical ventilation. This would include the enlargement of an existing exhaust louvre concealed behind the metal doors of the bin store enclosure within the undercroft that measures 4.9m (width) by 2.7m (height). The existing exhaust measures 500mm x 300mm and would be increased to 2000mm x 400mm. Given that the louvre would be screened by the doors of the bin store enclosure the louvre would not have a harmful impact on the character or appearance of the building or the surrounding conservation area. Overall this would be considered acceptable.

6.0 AMENITY

6.1 Policy A1 seeks to protect the quality of life of occupiers by only granting permission for development that would not harm their amenity. The main factors which are considered to impact the amenity of neighbouring residents are noise and smells from the proposed restaurant.

Privacy, outlook, daylight and sunlight

6.2 The external works would not include any extensions and would not harm the amenity of the neighbouring occupiers in terms of loss of privacy, outlook or daylight and sunlight and would be considered acceptable.

Noise

Hours of operation

6.3 Concerns have been raised by local residents that the restaurant would open late into the night thereby causing noise and disturbance to local residents when customers leave the premises. Ambient noise levels generally reduce around midnight and consequently residential amenity can be harmed by amplified music, plant and machinery and on-street activity that continues late at night. Although the site is within the Central London Area where longer opening hours are permitted, it is surrounded by residential properties both on the upper floors of the application site and to the east and southeast along Chitty Street. The Carpenter's Arms on the junction of Howland Street and Whitfield Street operate as late as between 23:00 and 00:00. The applicant has advised that the restaurant would cease operating at 11:00pm Monday to Saturday and 5pm on Sundays, which would be considered acceptable in this instance and would be secured by condition. Any extension beyond these hours might result in additional noise and disturbance that may have an impact on the amenity of these residents. An informative advising that such a condition means that no customers shall be on the premises and no activities associated with the use will be permitted outside these hours will be attached to this permission.

6.4 With regard to noise and disturbance issues, it is considered that the proposed opening hours will limit the possible impacts of noise and disturbance to neighbouring occupiers and the area generally. A condition would be attached to ensure that no music would be played on the premises in such a way as to be audible within any adjoining premises or on any adjoining highway. A condition would also be attached requiring the submission of acoustic information to ensure that noise transference between the ground floor unit and the residential flats above meet the Council's minimum

requirements.

External seating

6.5 Concerns have been raised by local residents about noise from people sitting outside the restaurant. The Charlotte Street Association is also concerned about the use of the covered access to the pocket park which lies next to the premises and its use as an outside space.

6.6 The use of the pavement area outside the proposed restaurant use would require a table and chairs license and would be controlled by the relevant legislation. An informative would be attached to any permission reminding the applicant of this. The minimum width of pavement required to use part of the pavement for table and chairs is 1.8m. The section of pavement along Chitty Street outside the application site measures approximately 1.36m. As such, there would not be sufficient space for tables and chairs to be placed along this part of Chitty Street.

6.7 The undercroft area next to the ground floor unit does not fall within the demise of the application site. The applicant has confirmed that there will be no dedicated external seating area for the new restaurant either by placing temporary seating in the undercroft area or the Poet's Park to the south of the site and the documentation has been updated to reflect this. This is due to the fact that the undercroft needs to remain unobstructed to allow 24 hour access to the UKPN hatch that is located within the enclosed bin store by UKPN to provide access to the UKPN substation that is located in the basement. This area cannot be used as a seating area by any future tenant of the restaurant. There would be direct visual links from the unit through sliding double doors that open onto the undercroft area towards Poet's Park. In order to ensure that noise would not transfer from the restaurant through the sliding doors to windows of neighbouring properties above ground floor level, particularly during the summer months, a condition would be attached requiring the sliding doors to remain locked between 21:00 hours to 09:00 hours.

Mechanical ventilation (odours)

6.8 There would be no dedicated kitchen extract / flue associated with the new restaurant use. The kitchen operation would use recirculating cooker hoods that would treat the odour / grease / moisture. The system consists of a traditional extract canopy mounted above the cooking range. Instead of discharging extract air to the atmosphere, the system consists of a Reco-Air recirculation air handling unit (AHU) that would be mounted above the kitchen ceiling and so extract air from the canopy is passed through the specialist AHU and the range of four filters it contains. The filters are progressively finer in their grading to remove from main large grease particles etc., through to smoke and steam / moisture removal, with the final filters being food grade carbon for odour removal. The majority of the air is then returned back to the cooking area through the same canopy with a small amount of cleaned air discharged to the atmosphere through the external exhaust ventilation grilles.

6.9 Given the nature of the change of use to operate as a restaurant use it is imperative that equipment is installed to deal with the cooking smells and fumes associated with this type of use. Concerns have been raised by local residents along Chitty Street regarding smells from the new restaurant. Although no odour report has been submitted the applicant has confirmed that an odour control unit would be installed that would eliminate odours from the ventilation equipment. The Council's Environmental Health officer has reviewed the information and is satisfied that the equipment will ensure that any odour from the ventilation equipment will be mitigated. A condition will be attached to ensure it the odour control unit is fitted before the use commences.

6.10 The supporting documents suggest that an air conditioning unit would be located in the lightwell and would be supplied and installed by the tenant. This has not been included in the application form, no details have been provided of its location on the proposed drawings and an accompanying noise report has not been submitted to demonstrate that it would meet the Council's minimum noise requirements. Separate planning permission would be required for any air conditioning units that may be required by any future tenant.

Anti-social behaviour

6.11 With respect to security the applicant has confirmed that there is site wide CCTV as part of the

wider redevelopment scheme at 80 Charlotte Street which includes Chitty Street. This should act as a deterrent for any anti-social behaviour within the vicinity of the site.

Health

6.12 Concerns have been raised by local residents about people smoking outside the restaurant with the potential for secondary smoke to flow up to Elisa Court building. Nos 3 and 4 Elisa Court lie to the southwest of the application site at a distance of approximately 24m and 32m away. Due to the restricted width of the pavement along Chitty Street it is likely that any smokers will stand on Whitfield Street which is a significant distance from the flats in Elisa Court. It is therefore not considered that harm to neighbouring occupiers health would be caused by the proposals.

7.0 TRANSPORT

7.1 The change of use would require the provision of policy compliant number of cycle spaces. Condition 5 of the approved planning permission 2015/7017/P indicates that the 80 Charlotte Street development would provide 226 cycle parking spaces. The approval of details application requiring details of the cycle parking spaces (ref 2016/6064/P) shows 300 cycle parking spaces will be provided. Of these cycle spaces, 5 would be dedicated to the restaurant staff. The wider development has sufficient cycle parking spaces which the ground floor restaurant unit can utilise.

7.2 There is an internal service area (loading bay) at basement level that has been provided within the site as part of the larger development that is accessed from Howland Street which is a one-way street. The applicant has confirmed that servicing for the new restaurant use would take place using the internal service area that is accessed from Howland Street in accordance with the approved scheme. The Council's transport officer has confirmed that the proposal would not raise any transport issues and would be considered acceptable. The original planning permission did not include restrictions on the hours that deliveries could take place to the site. Consequently it would not be possible to control delivery hours as part of this permission.

7.3 As already advised in paragraph 6.6 above the applicant would be required to apply for a tables and chairs licence if tables and chairs are to be placed on the public highway. The Council's Transport officer has advised that the minimum footway width required is 1.8 metres but in most cases a wider pavement width is required as most cafes/restaurants are in busy areas. The width of the pavement outside the application site along Chitty Street measures approximately 1.36m that would fall below the minimum width requirement. It would not be possible to place tables and chairs on this part of the pavement.

8.0 REFUSE AND RECYCLING'

8.1 The bin store area located within the undercroft immediately to the south of the application site would be used by the proposed restaurant for the storage of waste and recycling. There is adequate space internally for the storage of waste within this enclosed bin store area. Deliveries and bin storage / collection would take place from the 80 Charlotte Street loading bay on Howland Street. The bin store within the undercroft is for temporary storage before the waste is moved to the central bin store. An informative would be attached to any decision advising the applicant to contact Street Environmental Services for further advice on rubbish collections.

9.0 CONCLUSION

9.1 The proposed use and associated external alterations would not be considered harmful to the function and character of the area and the amenities of the neighbouring properties subject to appropriate safeguarding conditions. Condition planning permission should be granted to ensure the protection of residential amenity.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 24th May 2021, 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: 2020/5930/P
Contact: Elaine Quigley
Tel: 020 7974 5101
Email: Elaine.Quigley@camden.gov.uk
Date: 17 May 2021

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

DP9
100 Pall Mall
London
SW1Y5NQ

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

**67 Whitfield Street
London
W1T 4DE**

DECISION

Proposal:

Change of use of a ground floor retail unit (Use Class A1) to restaurant use (Use Class E) at 67 Whitfield Street and enlargement of 1 extract louvre on the ground floor southern elevation of the unit.

Drawing Nos: P1001 rev 00; P8000 rev 00; P8001 rev 00; P8002 rev 00; Change of use Application supporting document prepared by Derwent London, Make, Arup and DP9 dated February 2021; Change of use Application supporting document Addendum prepared by Derwent London, Make, Arup and DP9 dated April 2021; Marketing letter prepared by Distrkt UK dated 06/04/2021; Covering letter prepared by DP9 dated 08/04/2021; KBSE-1077-SK01; RA1.0 V; Technical Table produced by Reco-Air Manufacturing Ltd dated January 2020; Specification details produced by Reco-Air Manufacturing Ltd; Planning Comments prepared by MAKE (ref 1633-MAKE-67WS-SK210429-001).

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 P1001 rev 00; P8000 rev 00; P8001 rev 00; P8002 rev 00; Change of use Application supporting document prepared by Derwent London, Make, Arup and DP9 dated February 2021; Change of use Application supporting document Addendum prepared by Derwent London, Make, Arup and DP9 dated April 2021; Marketing letter prepared by Distrkt UK dated 06/04/2021; Covering letter prepared by DP9 dated 08/04/2021; KBSE-1077-SK01; RA1.0 V; Technical Table produced by Reco-Air Manufacturing Ltd dated January 2020; Specification details produced by Reco-Air Manufacturing Ltd; Planning Comments prepared by MAKE (ref 1633-MAKE-67WS-SK210429-001).

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

- 4 The use hereby permitted shall not be carried out outside the following times 07:30 to 23:00 hours on Mondays to Fridays; 09:00 to 23:00 hours on Saturdays, and 09:00 to 17:00 on Sundays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies D1, A1, A4 and TC2 of the London Borough of Camden Local Plan 2017.

- 5 No music shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies D1, A1, A4 and TC2 of the London Borough of Camden Local Plan 2017.

- 6 No sound emanating from the use shall be audible within any adjoining premises between 23:00 hrs and 07:30 hrs.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, A4, D1, TC2 of the London Borough of Camden Local Plan 2017.

- 7 The ground floor sliding doors in the southern rear elevation of the unit shall not be opened and shall remain locked between the hours of 21:00 to 09:00.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies D1, A1 and A4 of the London Borough of Camden Local Plan 2017.

- 8 Before the use commences sound insulation shall be provided between the approved ground floor commercial unit and the first floor residential unit in accordance with a scheme to be first approved by the local planning authority in writing. The use shall thereafter not be carried out other than in accordance with the approved scheme.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies D1, A1, and A4 of the London Borough of Camden Local Plan 2017.

- 9 Prior to the first use of the premises for the restaurant use hereby approved, 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 plan KBSE-1077-SK01 and equipment details provided in extract from Reco Air technical brochure. 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 installed, 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.

- 10 Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(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 15dB(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 policies A1 and A4 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 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).

- 2 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

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 must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.
- 4 You are advised that condition 4 means that no customers shall be on the premises and no noise generating activities associated with the use, including preparation and clearing up, shall be carried out otherwise than within the permitted time.
- 5 The applicant is advised that planning permission would be required for any air conditioning units that may be required by any future tenant.
- 6 The applicant is reminded that the placing of tables and chairs on the public highway requires an application for a Tables and Chairs Licence or Pavement Licence.

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

Chief Planning Officer