

6th May 2022

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Dear Elaine,

67 WHITFIELD STREET: APPLICATION UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT (1990) TO VARY CONDITIONS 3, 8 AND 9 OF PLANNING PERMISSION 2020/5930/P

Please find enclosed, on behalf of our client West London and Suburban Property Investments Limited, an application under made under Section 73 of the Town and Country Planning Act (1990) to vary Conditions 3, 8 and 9 of application reference 2020/5930/P granted by the London Borough of Camden on the 27th May 2021.

The application has been submitted via the Planning Portal and is accompanied by the following documents:

- Completed Application Forms and Certificates;
- Planning Statement (contained within this Covering Letter);
- Specification Details – RY 2500B Rydair Electrostatic Air Cleaner;
- Ventilation Layout Plan Drawing No.175481 - 02 - R1;
- Proposed South-West Elevation Drawing No. A-22-013;
- Airclean Datasheet;
- Condition 8 – Tenant Ceiling Detail Drawing No SKT-220506-001;
- Hann Tucker Condition 8 Report; and
- CIL Forms

The application fee has been paid upon submission.

PLANNING STATEMENT

Application Site and Background

The application site, No.67 Whitfield Street is located on the corner of Whitfield Street and Chitty Street, and forms part of the wider development of 80 Charlotte Street mixed use development. The site is located within the Central Activities Zone, the Central London Area and the Fitzrovia East Neighbourhood Area.

Planning permission was granted on 27th May 2021, it permitted the following development:



“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.”

THE PROPOSALS

This application seeks to vary the wording of Conditions 3, 8 and 9 of planning application reference 2020/5930/P.

The proposed changes relate to the following amendments:

- A change to the proposed ventilation strategy. This proposed strategy of a carbon filtration system better meets tenant requirements, but does not give rise to any amenity issues or external alterations. The proposals include a slightly larger louvre, but this is internal with the bin store area.
- In order to enable to the occupation of the unit by a potential tenant, the application also seeks to amend the wording to Condition 8 to make this a compliance condition. Details are provided with the application to stratify the requirements of this condition.

The application proposals also show an air conditioning unit on the wall within the bin store. This is essentially an internal alteration to the building but is included for completeness. The proposed air conditioning unit complies with the requirements of the noise survey.

The details of these conditions are set out below along with the wording to be removed ~~struck through~~ and the proposed amendments underlined.

Condition 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), Updated 2022 Retail Addendum prepared by Make, DP9; Rydair Electrostatic Air Cleaners; Drawing no 175481 - 02 - R1; Airclean Datasheet; Drawing No A-22-013, Drawing No SKT-220506-001 and Hann Tucker Report.

Condition 8:

Prior to commencement of the use hereby approved, ~~the details shall be submitted to and~~ approved in writing by the Council, of the sound insulation of the floor/ ceiling/ walls separating the commercial part(s) of the premises from noise sensitive premises ~~shall be implemented and thereafter permanently retained.~~ The approved details on Drawing No SKT-220506-001 and Hann Tucker Report ~~Details shall~~ demonstrate that the sound insulation value $DnTw$ is enhanced by at least 10dB above the Building Regulations value and, ~~where~~ any necessary additional mitigation measures are implemented to contain commercial noise within the commercial premises and to achieve the criteria of BS8233:2014 within the noise sensitive



~~premises. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.~~

Condition 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~~ Drawing no 175481 - 02 - R1 and Drawing No A-22-013 and the Rydair and Airclean datasheets. 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.

ASSESSMENT

The difference between the approved plans and the proposed amendment is a revised strategy for ventilation to the unit, which is a carbon filtration system and better meets tenant/market requirements but still adheres to the principles of the approved scheme. As part of this a slightly bigger opening is proposed, but this is essentially internal to the bin store and does not have an impact on the external elevation of the building. It is therefore considered that the proposals are acceptable and do not give rise to any different considerations or conclusions to the approved 2020 scheme.

CONCLUSION

We trust that you have sufficient information to validate, register and determine this application within the statutory timescales. However, should you have any queries regarding the submission or require any further information, please do not hesitate to contact me via email at caroline.mcintyre@dp9.co.uk or 07525 289486.

Yours faithfully

DP9 Ltd

