

Application ref: 2022/1993/P
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Date: 8 August 2022

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DP9
100
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Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted

Address:
67 Whitfield Street
London
Camden
W1T 4DE

Proposal:

Variation to condition 3 (approved plans), condition 8 (sound insulation) and condition 9 (ventilation and filtration system) of planning permission ref 2020/5930/P dated 27/05/2021 for 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 NAMELY to amend drawings and wording in condition 3 to increase the size of louvre within the bin store area and update approved documents due to revised strategy for ventilation of the unit, submission of noise report to amend Condition 8 from a pre-commencement condition to a compliance condition.

Drawing Nos: Covering letter prepared by DP9 dated 06/05/2022; Change of use application - Addendum dated April 2021; A-22-013; 175481-02-R1; SKT-220506-001; Extract from Air Clean brochure relating to activated carbon filters; Electrostatic Air Cleaners for Commercial and Industrial applications Brochure from RydAir; Report to discharge Condition 8 prepared by Hann Tucker dated 20/05/2022.

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 planning permission ref 2020/5930/P dated 27/05/2021.

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; Planning Comments prepared by MAKE (ref 1633-MAKE-67WS-SK210429-001); Covering letter prepared by DP9 dated 06/05/2022; A-22-013; 175481-02-R1; SKT-220506-001; Extract from Air Clean brochure relating to activated carbon filters; Electrostatic Air Cleaners for Commercial and Industrial applications Brochure from RydAir; Report to discharge Condition 8 prepared by Hann Tucker dated 20/05/2022.

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 2300 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 the details of the sound insulation of the floor / ceiling / walls separating the commercial parts of the premises from noise sensitive premises shown on approved drawing no: SKT-220506-001 and Report to discharge Condition 8 prepared by Hann Tucker dated 20/05/2022 shall be implemented and permanently maintained and retained.

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 full details of a scheme for ventilation, including manufacturers specifications, noise levels and required mitigation measures to demonstrate that the mechanical equipment shall not exceed the Council's minimum noise levels in line with condition 10 shall be submitted to and approved in writing by the Local Planning Authority. All such measures shall thereafter be retained and maintained in accordance with the manufacturers recommendations and details approved. 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.

- 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 Reasons for granting permission:

Planning permission was granted on 27/05/2021 for change of use of the ground floor unit and associated external alterations including installation of an extract louvre. This proposal seeks to vary the permission to alter the size of the approved exhaust louvre concealed behind the metal doors of the bin store enclosure within the undercroft. It would be increased in size from 500mm x 300mm to 900mm x 400mm. Given that the louvre would be within an enclosed area and screened by the doors of the bin store, the enlargement of 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.

Condition 8 of the approved scheme required details of sound insulation between the new commercial unit and the residential units above. An updated noise report and section drawing have been submitted as part of this application to discharge this condition. The Council's Environmental Health officer has reviewed this information and is satisfied with the details that demonstrate that the sound insulation within the existing floor complies with the requirements of this condition. The wording of the condition can be amended from a pre-commencement condition to a compliance condition.

Condition 9 of the approved scheme requires the ventilation and filtration equipment to be installed and in working order prior to the first use of the premises. In the revised ventilation system, the air is not recirculated so the kitchen extract terminates into the external louvre located in the bin store. A new air conditioning unit would be installed below the ventilation grill to service the restaurant. This is considered internal to the building as it is within the enclosed undercroft. The Council's Environmental Health officer has reviewed the information and has recommended that as well as attaching a condition to ensure the installation of the filtration equipment prior to use of the premises, a post completion assessment will be required to be submitted to ensure that the equipment, when installed, will meet the Council's noise standards.

The mechanical equipment will be located within the undercroft bin store area. The nearest residential dwellings are the flats above the new ground floor restaurant. 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.

There may be some noise escape from the mechanical equipment within the undercroft bin store area due to the design of the gates that enclose it. In order to ensure that the noise levels from the equipment would not exceed the Council's noise standards a standard noise condition would be attached and an additional condition requiring a post completion assessment to be submitted would ensure that there would be no harmful levels of noise or disturbance to local residents.

The full impact of the scheme has already been assessed during the determination of the permitted scheme, and it is considered that the amendments would have no material effect in terms of impact on character and appearance of the host building or the surrounding streetscene or neighbouring amenity.

No objections were received during the consultation period. The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies G1, TC1, TC2, TC4; A1, A4, D1, D2, T1, T2 and T4 of the London Borough of Camden Local Plan 2017. The proposed development also accords with policies of the London Plan 2021 and the National Planning Policy Framework 2021.

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 2021.

You can find advice about your rights of appeal at:

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is written over a light grey rectangular background.

Daniel Pope
Chief Planning Officer