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Our ref: JCW/MZH/SP2

21 August 2023

Dear Sir/Madam

Town and Country Planning Act 1990 (as amended)
Application for Full Planning Permission
Former BELGO Restaurant, Basement and Ground Floor 67 Kingsway, London, WC2B 6TD

On behalf of The Top Secret Comedy Club Ltd ('the Applicant'), we write to apply for full planning permission in respect of the basement and ground floors only at 67 Kingsway, London, WC2B 6TD ('the Site').

The proposals comprise the change of use on the ground and basement floors from Class E (restaurant) to a Sui Generis comedy club. Internal alterations are proposed to accommodate the change in use. No external alterations are proposed and signage will be subject to a separate advertisement consent application.

Full Planning Permission is sought for:

"Change of use of basement and ground floors to a Sui Generis comedy club with ancillary bar use and associated works."

Site and Surrounding Area

The Site is located on the western side of Kingsway at the junction of Kingsway and Wild Court. The property is not listed and contains 7 storeys, of which all upper floors are in office use. The ground and basement floors that are the subject of this application, were last occupied by a restaurant operator who has since vacated (Class E).

The Site benefits from excellent public transport accessibility, with the highest PTAL rating of 6b. Holborn underground station is located approximately 160m north of the Site, which provides services on the Piccadilly and Central Lines. Additionally, Covent Garden, Chancery Lane, Tottenham Court Road and Temple Stations are all within a 900m radius from the site, providing further services on the Elizabeth Line and Circle & District Lines. There are also numerous bus routes that run along Kingsway.

Relevant Planning History

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An online planning history search of the site indicates that the site was last used as a restaurant at ground and basement levels, whilst the upper floors are in office use. Please note, following the changes to the Use Classes Order in 2021, a class A3 use was subsumed into a Class E use and therefore the site is currently classified as Class E.

Relevant planning history has been listed below for completeness:

Reference	Proposal	Decision / Date
2015/6554/A	BELGO advertisements Display of 5 x internally illuminated (Halo) lettering fascia signs to Kingsway and Wild Court elevations, 1 x internally illuminated neon letters projecting sign and 1 x internally illuminated menu sign to Kingsway elevation.	Granted 10 Feb 2016
2011/5162/P	Installation of 5 condensing units at roof level of restaurant (Class A3).	Granted 31 January 2012

The Proposals

Planning permission is sought for the change of use of the basement and ground floors for use as a Sui Generis comedy club with ancillary bar including associated internal works.

The proposals will result in all 374 sqm of the existing class E use at those floors changing to a Sui Generis comedy club. The proposals do not propose any additional floorspace and all works proposed in this application are related to the change of use only.

Expected operation

In terms of expected operation and footfall of the comedy club, the early weekdays will generally attract less visitors and the Fridays and Saturdays will be busier, as with any entertainment establishment.

From Sundays through to Thursdays, the club promotes new material nights which attract the best comedians from the London live circuit and also famous comics preparing for TV, tours or bigger gigs. These are generally sold-out shows but just one per evening. The doors open from 7pm with the main show starting at 8pm and finishing at approximately 10pm. Usually, by 10:30pm, all visitors will have left the premises.

On Fridays and Saturdays, it is expected that two or three shows will take place per evening, generally with shows starting at 7pm and 9pm on Friday, 4pm, 7pm and 9pm on Saturday, with all visitors leaving by midnight.

An Indicative Operational Management Plan has been submitted in support of this application.

Design and Access Statement

Given there are no changes to the shopfront or access routes, no Design and Access Statement has been submitted. An advertisement application will be submitted under a separate cover.

Access to the premises will be as per the existing dedicated entrance from Kingsway.

Legislation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Statutory Development Plan unless material considerations indicate otherwise.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty upon the local planning authority to determine applications affecting listed buildings and pay special regard to the desirability of preserving the building or its setting.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local planning authorities when considering proposals for the development within Conservation Areas to give special attention to the desirability of preserving or enhancing the character or appearance of that area.

Planning Policy Considerations

Proposals for the Site should be assessed against planning policy contained within the National Planning Policy Framework (2021), the London Plan (adopted March 2021) and The Camden Local Plan (2017) as well as relevant supplementary planning guidance and other material considerations.

The Site is subject to the following planning policy designations in the adopted Local Plan and associated policy map:

- Kingsway Conservation Area;
- Central Activity Zone;
- Central London Area; and
- Holborn / Kingsway Central London Frontage (secondary frontage).

Planning Policy - Land Use

London Plan Policy SD4 (CAZ) states the unique concentration and diversity of cultural, art, entertainment, night-time economy and tourism functions should be promoted and enhanced.

Local Plan Policy G1 (Delivery and location of growth) seeks that development makes the best use of the site and takes into consideration its surroundings and amenity and resists development that makes inefficient use of Camden's limited land.

Local Plan Policy C1 (health and wellbeing) sets out that the council will promote vibrant and healthy communities by ensuring services that support health, social and cultural wellbeing.

Paragraph 4.49 of the Local Plan states cultural and leisure facilities such as theatres, galleries, and museums; live music, comedy and dance venues and provision for sports and exercise contribute enormously to Camden's attractiveness as a place to live, work or study.

Local Plan Policy C3 (Cultural and leisure facilities) states that new leisure facilities will be sought in mixed use development and will seek shared use or extended access for the community in appropriate developments. Large scale

facilities should be located whereas many people as possible can enjoy their benefits and make use of public transport to get there. Central London and town centres will therefore be the most appropriate locations. Small facilities are stated to be appropriate anywhere in the Borough providing they do not have an adverse impact on the surrounding area or the local community.

Local Plan Policy TC1 (Quality and Location of retail development) sets out that shopping and related uses are focused in designated growth areas and existing centres.

Local Plan Policy TC2 (Camden's centres and other shopping areas) sets out the council's intention to promote successful and vibrant centres throughout the borough to serve the needs of the local population including visitors. The council will ensure the provision and maintenance of a range of shops including food, drink and entertainment and other town centre uses do not have a harmful impact on residents and will focus such uses in key areas, including Central London Frontages.

Policy TC2 goes on to state the council will protect the secondary frontages as locations for shops (A1) together with a broader range of other town centre uses to create centres with a range of shops, services and food, drink and entertainment uses which support the viability and vitality of the centre.

Additionally Local Plan Policy TC4 (Town centre uses) advises that the development of shopping, services, food drink, entertainment and other town centre uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours.

Camden Planning Guidance (Town Centres and retail) outlines the Holborn / Kingsway Central Retail Frontage contains 157 ground floor commercial premises. Paragraph 3.25 states that in this centre, 37% of the units are retail (A1 shop) use and financial and professional services are well represented. Food drink and entertainment uses are interspersed amongst these other uses. Approximately 27% of the premises are occupied by food, drink and entertainment uses (A3, A4 and A5 uses).

Paragraph 3.28 of the guidance states the Holborn / Kingsway Central London Frontage is considered an appropriate location for food, drink and entertainment uses. The summary of controls table outlines that for secondary retail frontage, there is no set minimum proportion of A1 retail shops in each individual frontage however, the maximum proportion of A3, A4, A5 food, drink and entertainment uses combined in each individual frontage is set at a maximum of 40%.

Camden Planning Guidance (Community uses, leisure facilities and pubs) outlines Camden's wish to sustain and enhance the borough's cultural and leisure offer.

Policy Assessment – Land Use

Loss of Restaurant (Class E)

The premises was last operated as a restaurant. The restaurant use would not be considered a retail (A1) use and therefore, the restaurant use would not be subject to protection under Local Plan Policies TC1, TC2 as well and guidance within the Town Centres and Retail CPG, which seeks to maintain a minimum proportion of retail use in Central London Frontages.

Therefore, the proposals are considered to be in line with Local Plan Policies TC1, TC2 and guidance outlined within the Town Centres and Retail CPG.

Principle of a comedy club Sui Generis use

The site is located within the CAZ and the Central London Frontage: Holborn/Kingsway Area. It is designated as a Secondary Retail Frontage.

The proposed use of the site as a comedy club is considered suitable within these designations as it will contribute to the CAZ's entertainment and night-time economy. The local area already contains a commercial mixed nature of offices, hotel, retail and other town centre uses.

Furthermore, the site is designated as a Secondary Retail Frontage whereby the Town Centre and Retail CPG states there is support for food, drink and entertainment uses in the area. Whilst there is a maximum cap of 40% on food, drink and entertainment uses in any individual frontage, the premises was previously in a food and drink use, and therefore, the proposals do not change the proportion of food, drink or entertainment uses in the Holborn/Kingsway Area.

The proposed development, will however, bring a vacant unit back into use, having been left vacant since the last operator vacated the site (assumed in 2020).

The proposed use of the premises under this application has potential to deliver several significant public benefits to not only the Site, but also to the commercial function of Kingsway, the CAZ and to the Camden more widely. The new use would not harm the character and function of the area given its commercial character within a central location with a large variety of uses, including entertainment uses. The proposal would not change the amount of food, drink or entertainment proportions in Camden and conversely, will bring an empty unit back to a viable use and contribute to a vibrant entertainment offering in the borough. Therefore, it is considered the proposed change of use to a comedy club is supported by London Plan policy SD4, Local Plan Policies G1, C1, C3, C4 and Camden planning guidance.

Planning Policy – Design

Local Plan Policy D1 (Design) seeks to secure high quality design in development within the borough by ensuring proposals respects local context and character, uses durable materials and is sustainable.

Local Plan Policy D2 (Heritage) outlines that the council will preserve and where appropriate enhance Camden's rich and diverse heritage assets and their settings.

Policy Assessment – Design

No external changes are proposed as part of this application and hence no external elevation drawings have been submitted. Any advertisements will require be subject to a separate advertisement consent.

As such the proposals seek to retain the existing external appearance and is considered to preserve the character and appearance of the Kingsway Conservation Area. The proposals are therefore considered to comply with Policy D1 and D2 of the Local Plan.

Planning Policy - Highways, Deliveries and Servicing

Local Plan Policy TC1 (Prioritising walking, cycling and public transport) promotes sustainable transport by prioritising walking, cycling and public transport in the borough. Proposed development should meet the cycle parking and cycle facilities standards in the London Plan.

Local Plan Policy T2 (Parking and car-free development) requires all development in the borough to be car-free and no on-street or on-site parking permits will be issued.

Local Plan CC5 (Waste) outlines that developments should include facilities for the storage and collection of waste and recycling.

Policy Assessment - Highways, Parking, Deliveries and Servicing

No car parking is provided for the proposed use and no changes are being proposed on highways land. It is expected that the majority of staff and visitors travelling to the comedy club will be using the public transport network.

Waste storage

Delivery and servicing will remain as existing from Kingsway. Waste generated from the site is expected to be much less than the previous restaurant use. Waste will be stored on site in the dedicated space at basement level and then brought out to Kingsway on collection day.

Planning policy - Amenity

Local Plan Policy A1 (Managing the impact of development) seeks to protect the quality of life of occupiers and neighbours and planning permission will not be granted if there are unacceptable impacts to amenity.

Local Plan Policy A4 (Noise and Vibration) outlines that development should have regard to Camden's noise thresholds and that planning permission will not be granted for proposals that would generate and unacceptable noise and vibration impacts; or development sensitive to noise in locations which experience high levels of noise, unless appropriate attenuation measures can be provided and will not harm the continued operation of existing uses.

Policy assessment - Amenity

As noted earlier on in this letter, there is no change to the existing floorspace and therefore no increases in bulk, massing or scale. Accordingly, there will be no adverse amenity impact in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking. The proposals are considered to comply with Local Plan A1.

In terms of adverse effect of noise, this part of Kingsway is largely commercial in nature. Z Hotel is within close proximity (75 Kingsway) and would be considered a noise-sensitive receptor however, the proposed comedy club is unlikely to generate additional activity in this area, beyond the previous restaurant use. Visitors will be entering and exiting the proposed venue solely via the main entrance on Kingsway, which is commercial in use. Given the commercial nature of the immediate vicinity, it is not considered that activity from the proposed use would have detrimental effect on residential amenity. Conversely, Kingsway is an appropriate, large-scale, commercial thoroughfare on which the proposal will generate activity and interest.

No new plant equipment is being proposed as part of this application.

The expected opening hours of the comedy club will be:

- Mondays – Fridays 17:00 – 24:00
- Saturdays 13:00 – 24:00
- Sundays 13:00 – 24:00

In order to ensure the smooth running and prevent public nuisance, the comedy club will employ a door supervisor to control queues and ensure the neighbourly manner of all patrons. Please see the Operational Management Plan for further details.

It is therefore considered that the proposed development will not impact on surrounding residential amenity and therefore complies with Local Plan policies A1 and A4.

Benefits of the Proposals

In summary, the proposals contained within this application are supported by policy and will deliver several principal benefits.

These benefits can be broadly summarised as follows:

- Reactivating a unit that is currently vacant.
- Contributing to and diversifying the entertainment and cultural offering in the CAZ.
- Creating more local interest in this part of Kingsway.
- Provision of jobs in association with the operation of the comedy club including at fit out stage.

Application Documentation

In line with Camden Council's validation requirements, the following documents, along with this cover letter, have been submitted online via Planning Portal:

- i. Completed Application Form and Certificate B;
- ii. Completed CIL Information Form;
- iii. Site Location Plan;
- iv. Existing and Proposed Plans; and
- v. Indicative Operational Management Plan.

The Applicant will pay the £526 application fee (inc. service charge) via the planning portal.

We trust that the information submitted as part of this application is sufficient, but should you have any queries, please do not hesitate to contact James Wickham or Maggie Zhu of this office.

We look forward to receiving notice of your receipt and validation of this application.

Yours faithfully,



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