

Dear Obote,

re Application ref. 2024/2819/P, 50 Earlham Street London WC2H 9LJ

We have had some recent discussions with the lawyer representing the applicant for the change of use application for the premises at 50 Earlham Street. I am contacting you to let you know our current position on the application following these discussions, and to make a request.

The application is for a change of use to an SG use rather than the current Class E (g) use as a restaurant.

The concerns of local residents (as reflected in their objections and in the CGCA's) are related to the possibility that the premises could be used as a bar rather than a restaurant, and the potential late hours of operation. This would have a negative impact on the amenity of residents, both during the use and at dispersal.

The applicant has emphasised to us, and in their Operational Management Plan, that the premises would be a competitive socialising venue, rather than a normal bar, and hence will have a lesser impact than a bar. There is some merit in this view. However the SG definition that they have offered is too wide. It would, in our view, allow them (or another tenant) to operate a bar without competitive socialising, accommodating over 200 people drinking until beyond framework hours in a residential area.

The applicant's objection to our proposal appears to be that this would make it more difficult to assign the lease in the future. This suggests that our proposed definition would serve the intended purpose of making it necessary for an application to be made if a future tenant wished to operate a bar. We note that with our definition there would be no issue with a new tenant returning the premises to a Class E (g) restaurant use though.

Following our discussions, we continue to believe that the SG definition needs to be changed. This would allow the applicant to operate in the way they intend, but without the risk of the premises becoming a bar without a new application being made.

The application states the use as:

Flexible sui generis use (leisure/restaurant/bar) and/or for Class E use.

The CGCA has proposed alternative wording:

Sui Generis use as a competitive socializing bar/restaurant venue and/or Class E use

Our logic is that this is in line with the OMP and layout drawing, and any other restaurant use is provided for by the alternative Class E use. What we want to avoid is that a future occupier could use a wider SG definition to run a large bar operation without any competitive socialising, without changing the SG definition and the licence.

The other concern for residents and the CGCA is that, even with this SG definition, people could come to the premises solely to drink (rather than to play games as part of competitive socialising), especially after other premises in the area close. This then increases the risk that there are a large number of people in the premises after 00:00, who leave when the rest of the immediate area is quiet and so cause significant harm.

The CGCA, in its objection, requested an hours restriction in the Planning permission to address this concern. However the concern could also largely be addressed by a last entry condition. This is how the issue would usually be dealt with in the Licensing process, but in this case there is an old, existing licence without such a condition.

We understand from the applicant that they are willing to operate with a 23:00 last entry of new customers, but that the Planning Authority does not wish to apply this condition to the Planning permission. Given that this (together with the revised SG condition) would address the concerns of the CGCA and residents, we would appreciate you reconsidering this request. Please let me know if this is possible.

With good wishes,
Amanda.