

# Central Saint Giles

Variation of Conditions 32 & 33 (2005/0259/P)

## Planning Statement

On behalf of Central Saint Giles Limited Partnership



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# 1 Introduction & Background to the Proposals

- 1.1 This report has been prepared in support of planning applications for the variation of Conditions 32 and 33 of planning permission 2005/0259/P, granted 4 October 2006, on behalf our client Central Saint Giles Limited Partnership.
- 1.2 Condition 32 relates to the hours the ground floor A1 and A3 retail units at the new Central Saint Giles development can open and currently requires that the units must be cleared of customers and staff at 23.30 on Sunday to Thursday evenings and on bank and public holidays and at midnight on Friday and Saturday evenings. The condition allows the units to reopen at 07.00 in the morning.
- 1.3 Condition 33 relates to the hours retail tenants are permitted to use the courtyard area at the centre of the new Central Saint Giles development and currently restricts such use with regard to the sitting and standing out of customers in the courtyard area until 21.00 hours every evening of the week.
- 1.4 The reason for these conditions is to safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy.
- 1.5 This planning statement supports two s73 applications which propose to extend the time period for each condition in order to:
  - (i) Allow customers to remain within the retail units until midnight Sunday to Thursday evenings and on bank and public holidays and until 00.30 on Friday and Saturday evenings and would allow staff to be present on the premises at any time; and
  - (ii) Permit the sitting and standing out of customers of the ground floor A1 and A3 units in the courtyard area until 22.00.
- 1.6 Renzo Piano's vision for Central Saint Giles at ground level was to create a high-quality catering environment which would support and complement the proposed new office and residential accommodation, and add to the character and function of the St Giles area and improve the local environment. This vision was acknowledged by officers through paragraph 7.3.24 of the Committee Report for Central Saint

Giles which was considered at the Council's Development Control Sub-Committee on 6 July 2006:

*"The applicant proposes to create a high quality food/catering environment, to support and complement the proposed new office and residential accommodation ... The provision of well-managed restaurants could bring advantages to the area in terms introducing evening-time street level activity where there is currently none, bringing with it increased surveillance ... In terms of the likely periods of activity, it is anticipated that the A3 uses would be reliant upon office users during the day and are sufficiently remote from evening time A4/A5 destinations to attract appropriate clientele. Furthermore, the applicant has submitted comprehensive management proposals in the form of an Outline Management Strategy, which is intended to operate in combination with any conditions or s.106 clauses imposed by the local planning authority."*

- 1.7 Legal & General are in discussions with a number of high quality tenants to operate the A3 units. Both the opening hours and use of the courtyard area for customers for sitting and standing out in are important aspects of the prospective retailers' requirements.
- 1.8 A crucial factor for the current proposals to extend these hours is that the current restriction on the hours of operation means that the restaurant operators will miss important after theatre trade, in an area which is surrounded by many of London's theatres.

## 2 Proposals

- 2.1 Condition 32 relates to the hours of operation of the ground floor A1 and A3 units at Central Saint Giles and states:

**“The ground floor A1 and A3 units shown on the approved plans shall be closed and cleared of customers and staff between midnight and 0700 hours and 2330 hours and midnight on Sundays to Thursdays and bank and public holidays, and between midnight and 0700 hours on Fridays and Saturdays, and shall not be open at any other time without the prior written consent of the local planning authority. No sound emanating from these premises shall be audible within any adjoining premises between these hours.”**

- 2.2 It is proposed to vary this condition to allow customers to remain within the retail units until midnight on Sunday to Thursday evenings, including bank and public holidays, and until 00.30 on Friday and Saturday nights, and allow staff to be present on the premises at any time.

- 2.3 In addition, we also enclose a resubmission application to vary Condition 33 of the original planning permission granted at Central Saint Giles.

- 2.4 Condition 33 relates to the hours retail tenants are permitted to use the courtyard area at the centre of the new Central Saint Giles development and states that:

**“The courtyard area shall be cleared of customers sitting or standing out in relation to the ground floor A1 and A3 units shown on the approved plans between midnight and 0800 hours and 2100 hours and midnight, 7 days a week, and bank and public holidays.”**

- 2.5 An application was made on 17 December 2009 for the variation of Condition 33 of planning permission 2005/0259/P, to enable customers of the A1 and A3 units shown on the plans approved by the permission to sit and stand out in the courtyard area between 08.00 and 22.30, 7 days a week and bank holidays.

2.6 This application (2009/5888/P) was withdrawn by our client as officer feedback on the application was that 22.30 was too late an extension to the permitted hours.

2.7 We have since been instructed by our client to make a resubmission application to enable customers of the A1 and A3 units shown on the plans approved by the permission to sit and stand out in the courtyard area between 08.00 and 22.00, 7 days a week and bank holidays

2.8 The reason stated on the planning permission for both of these conditions is:

**"To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies RE2 and SH18 of the London Borough of Camden Unitary Development Plan 2000 and policies SD6, R1b, R2 and R3 of the Revised Deposit Draft UDP as amended by the Proposed Modifications agreed by the Council's Executive on 11th January 2006 (now adopted June 2006)."**

2.9 The proposed wording for Conditions 32 and 33 is as follows:

**32. The ground floor A1 and A3 units shown on the approved plans shall be closed and cleared of customers between midnight and 0700 hours on Sundays and Friday mornings and bank and public holidays, and between 0030 and 0700 hours on Saturdays and Sundays, and shall not be open at any other time without the prior written consent of the local planning authority. No sound emanating from these premises shall be audible within any adjoining premises between these hours.**

**33. The courtyard area shall be cleared of customers sitting or standing out in relation to the ground floor A1 and A3 units shown on the approved plans between midnight and 0800 hours and 2200 hours and midnight, 7 days a week, and bank and public holidays.**

2.10 We consider that given the high quality of the development, the high-calibre of operators wishing to take up tenancy of these units and the strict management controls already agreed with the Council, the revised wording to both conditions would continue to safeguard the amenity of adjoining premises and the area generally, in accordance with policy.

### 3 Planning Policy Background

3.1 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.

#### 3.2 Regional Guidance

3.3 Chapter 3D of the London Plan provides strategic guidance for town centre and retail development within London.

3.4 The Plan identifies retail as playing a vital role in London's economy employing over 400,000 people and supporting the economic vitality of all parts of the capital, with over 40,000 shops in London.

3.5 With regard to proposed uses within Use Class A3 (restaurants), the London Plan says, at Policy 3D.4, that DPD policies should "where appropriate, support evening and night time entertainment uses in Central London" and "where appropriate, manage their impact through policies such as Entertainment Management Zones". It recognises, at paragraph 3.282, that London's "vibrant night-time economy is a major contributor to its world city status as well as meeting more local needs".

#### 3.6 Local Guidance

3.7 The relevant development plan is the London Borough of Camden Replacement Unitary Development Plan (UDP) adopted in 2006.

3.8 Policy SD6 (Amenity for occupiers and neighbours) considers the importance of new development preserving residential amenity and states that:

"The Council will not grant planning permission for development that it considers causes harm to the amenity of occupiers and neighbours. The factors the Council will consider include: a) visual privacy and overlooking; b) sunlight and daylight levels; c) artificial light levels; d) noise and vibration levels; e) odour, fumes and dust; f) the adequacy of facilities for storage, recycling and disposal of waste; and g) microclimate."

**Revised Planning Guidance for Central London: Food, Drink and Entertainment, Specialist and Retail Uses (Adopted 4 October 2007)**

- 3.9 The purpose of the Supplementary Planning Document (SPD) is to provide additional guidance on how policies in the UDP are interpreted and implemented. The document does not have the same statutory weight in decision making as the UDP but it is an important material consideration when the Council make decisions in planning applications for food, drink and entertainment uses, retail and specialist uses within the Central London Area.
- 3.10 The SPD notes at 6.7:
- “The Council recognises that food, drink and entertainment uses make a positive contribution to the character of the Central London Area. These uses contribute to the overall mix of uses and may provide additional variety that adds to the vitality and viability of areas.”
- 3.11 And continues at 6.8:
- “In addition, food, drink and entertainment uses provide employment and leisure facilities for local people and visitors. These uses bring activity to the streets during the evening and on weekends and can provide natural surveillance. In addition, having a range of food and drink uses alongside shops can also reduce travel by allowing people to combine trips.”
- 3.12 In terms of hours of operation the SPD considers at 6.20:
- “The Council will attach conditions controlling hours of operation to planning permissions for development for food, drink, and entertainment uses. In predominantly residential areas such uses will generally not be permitted to operate later than midnight. In some instances, depending on the location, the character of the area, the nature of the proposed use and its likely impact on amenity, earlier closing times may be appropriate. This closing time refers to the time by which all customers should be off the premises and all noise-generating clearing up activities should cease.”



3.13 In respect of tables and chairs within the curtilage of a building the SPD considers at 6.24:

"For planning applications in Central London Frontages and other predominantly commercial streets in the Central London Area, the Council will attach a condition to limit hours of operation to between 8am and 11pm Monday to Thursday, 8am to 11.30 pm on Friday and Saturday and 8am to 10.30pm on Sunday."

## 4 Key Planning Issues and Policy Compliance

- 4.1 The site has been accepted as an appropriate location for Class A3 uses in the St Giles Court Planning Brief and through the existing permission.
- 4.2 In their report to committee on the original planning application on 6 July 2006 officers noted at 7.3.24 that “the applicant proposes to create a high quality food/catering environment, to support and complement the proposed new office and residential accommodation” and that “the provision of well-managed restaurants could bring advantages to the area in terms introducing evening-time street level activity where there is currently none, bringing with it increased surveillance”.
- 4.3 Officers concluded at 7.3.25 that “the A1/A3 elements of the proposals would comply with policy, subject to normal controls and careful monitoring of: use, hours of opening, plant, playing of music and extent/time of associated outdoor/courtyard activity”.
- 4.4 It was acknowledged by Council officers in the report to the committee when the main planning application was considered, that well-managed and operated A3 uses are a good way to tenant such units; bringing life to the building and helping to create the atmosphere which the development is intended to deliver, i.e. one of a safe and vibrant atmosphere throughout the day and into the evening.
- 4.5 The reason for the hours of operation in Conditions 32 and 33 is to safeguard the amenity of adjoining premises. This is in accordance with Policy SD6 of the UDP.
- 4.6 The guidance in the Food, Drink and Entertainment, Specialist and Retail Uses SPD states that, in predominantly residential areas uses will generally not be permitted to operate beyond midnight. Central Saint Giles is not in a predominantly residential area. It is in a mixed use area which is predominantly commercial in character.
- 4.7 We consider therefore that the proposed hours of operation under Condition 32 to midnight Sunday to Thursday evenings and on bank and public holidays and until 00.30 on Friday and Saturday evenings is wholly in accordance with this guidance.

- 4.8 Furthermore, with regard to sitting and standing out in the courtyard, the guidance states that on predominantly commercial streets the Council will attach a condition to limit hours of operation to between 8am and 11pm Monday to Thursday, 8am to 11.30 pm on Friday and Saturday and 8am to 10.30pm on Sunday.
- 4.9 *We further consider therefore that the proposed extension to the sitting and standing out hours in the courtyard area under Condition 33 to 22.00 is wholly in line with this guidance.*
- 4.10 The deletion of the staff reference in the condition is necessary to enable the operators to clean and ready the units for operation the next day.
- 4.11 The SPD refers to the closing time as being the time by which “all customers should be off the premises and all noise-generating clearing up activities should cease.” It does not therefore require staff to have physically left the premises at this time.
- 4.12 The only residents to be potentially affected by the proposals would be those residents in the new residential element of the development itself.
- 4.13 *The proposals only seek to extend the hours of opening by half an hour which we do not consider will have any noticeable impact on the residents’ amenity. The site is in a busy Central London area and an additional half an hour on the opening hours of the restaurants and an additional hour for using the courtyard will have no impact given the ambient noise and activity which already takes place at these times.*
- 4.14 The operators of the A3 units will be high quality operators and the overall site will be strictly managed to ensure there is no impact on residential amenity. Provision is to be made in the leases which will cover retailer responsibility in this regard.
- 4.15 As part of the main planning application submission, the applicant instructed Broadgate Estates to prepare a comprehensive management strategy for this site. As part of the Management Strategy, Broadgate Estates considered the management of the retail, food and drink uses.

- 4.16 Our client has confirmed that in addition to the general management of the development, members of the estate management security team will be present at closing time to ensure there will be no disturbance created by customers leaving the site.
- 4.17 There will be on site security 24 hours a day, 7 days a week. It is currently intended that 7 to 8 guards will be on duty during the day (0700 until 1900) and 3 guards will patrol and monitor the development outside of these hours into the evening and through the night.
- 4.18 Additionally, Broadgate Estates will have their own on site team during office hours and will be 'on call' in the evenings and on weekends should any problems arise.
- 4.19 In terms of customers leaving the premises, Tottenham Court Road and Holborn are the nearest tube stations to the site and restaurant customers are most likely to use these stations.
- 4.20 The pedestrian routes from the site to these stations are commercial roads away from any residential areas. No other residential areas will therefore be affected by the operation of the restaurant units.

## 5 Summary and Conclusions

- 5.1 *The intention has always been to create a high quality catering environment at ground floor level capable of meaningful interaction both with the quality of architectural vision and landscaping of the public area.*
- 5.2 *The aspiration of the developers to create a high-quality A1/A3 dining and catering destination at Central Saint Giles was acknowledged and supported by officers in their report to committee on the main planning application on 6 July 2006.*
- 5.3 *High quality Class A3 operators with strict management practices bring vitality and enhance security and will encourage people to visit the site.*
- 5.4 *The nature of the land ownership of the site enables stricter and more encompassing management regimes to be operated with even tighter controls.*
- 5.5 *The site is located in a predominantly commercial area.*
- 5.6 *The revised conditions are wholly in accordance with the guidance on opening hours and tables and chairs contained in Camden's SPD on Food, Drink and Entertainment, Specialist and Retail Uses (adopted 4 October 2007).*
- 5.7 *It is of critical importance to the letting of the ground floor A1 and A3 units and the success of the development that the variation of these conditions is granted as proposed. Crucially, the current restriction would not allow the restaurants to cater for important after theatre trade in the heart of London's theatre land.*
- 5.8 *It is of paramount importance to the applicant, as long term landlords of this site to ensure that the proposed Class A3 uses are properly managed and controlled and that there are no adverse impacts on the residential and environmental amenity in the area in accordance with Policy SD6.*