

RL/P5553
23 July 2014

Development Planning Services
London Borough of Camden
Town Hall
Argyle Street
London
WC1H 8ND

Dear Sir/Madam

Town & Country Planning Act 1990 (as amended)
2 Neal's Yard, London, WC2H 9DP
Application to vary Condition II (no.2) (agreed opening hours) of planning permission (ref. 8401150) dated 27 November 1985, to amend opening hours from 09:00 to 21:00 daily to 07:00 to 23:00 daily.

Planning Portal Ref. PP-03479112

On behalf of our client, Shaftesbury Covent Garden Ltd, we write in support of an application made under Section 73 of the Town and Country Planning Act 1990 for the variation of Condition II of planning permission (ref. 8401150) dated 27th November 1985. We enclose with this letter a cheque for the requisite planning fee of £195.00. All necessary application forms and documents have been submitted online via the Planning Portal.

Site Location & Context

The application site comprises two small units collectively known as 2 Neal's Yard. The two individual units are known as 2 Neal's Yard (West) and 2 Neal's Yard (East), of which the latter forms part of this application and will here now be referred to as the property.

The property, 2 Neal's Yard (East), is located within Neal's Yard, a popular destination within the area of 'Seven Dials'. The property comprises takeaway (Class A5) use for the 'sale of hot food' at ground floor. The upper parts of the building are in use as offices (Class B1) and Neal's Yard Remedies' beauty clinic and massage therapy rooms (Sui-Generis use) at first, second and third floors. The property is not listed, however is located within Seven Dials Conservation Area.

Planning History

Planning permission (ref. 8401150) was allowed at appeal on 27th November 1985 for 'a change of use from retail to shop for the sale of hot food of the eastern part of the ground floor of 2 Neal's Yard'. This permission was personal to the original applicant Brenda Anne Wakefield, and restricted the hours of operation to between 0900 hours and 2100 hours, Monday to Saturday only.

Architecture Planning Interiors

Old Church Court, Claylands Road, The Oval, London SW8 1NZ

T 020 7556 1500

www.rolfe-judd.co.uk

DD 020 7556 1541

E rupertl@rolfe-judd.co.uk

London Borough of Camden
23 June 2014

Subsequent to this appeal, planning permission was granted on 10th May 1996 for the '*continued use of the premises on the eastern part of the ground floor for the sale of hot food without compliance with Condition 01 restricting the use to a named person and amending Condition 02 to allow use on Sundays and Bank Holidays attached to planning permission granted on appeal dated 27 November 1985*'.

We confirm the takeaway operation of the property has been in operation within the property for a continuous period since 1985. We are not aware of any complaints against the existing premises and consider the use has operated in harmony with the surrounding commercial and residential tenants in and around Neal's Yard.

The Proposal

As noted, the original condition, Condition II (no.2), scheduled to planning permission ref. 8401150 was restricted to operating between the hours of 09:00 and 21:00 only. This condition currently restricts customers and associated activities, including preparation and cleaning, taking place on the premises terminating by 21:00; a restriction which our client considers to be uncompetitive with surrounding restaurants and associated takeaway uses. Local restaurants and takeaway premises nearby currently operate with unrestricted or longer hours, as such we consider the restricted 21:00 closing time to be too early for such a Central London location.

Our client therefore seeks to extend the existing operating hours for the takeaway premises at 2 Neal's Yard (East). We confirm to the Council that the current operating hours and previously consented operating hours for tables and chairs associated with the premises are inconsistent. The existing hours permitted included the following;

- Operating Hours under Condition II – 0900 to 2100 hours
- 2013 Tables and Chairs License (now expired) – 0800 to 2200 hours

We note that the property holds no alcohol license and the potential disturbances of customers drinking outside the premises would not occur. We confirm that the premises has operated informally later than the permitted 21:00 hours over the past decade with no impact upon the surrounding premises.

Our client wishes to therefore regularise and extend the premises opening hours to between 07:00 a 23:00 hours to compete with the surrounding restaurant and takeaway premises. This application therefore seeks the variation of Condition II (no.2) scheduled to planning permission (ref. 8401150) to state:

'The use hereby permitted shall not be carried out outside the following times 0700 to 2300 hours daily.'

We wish to reiterate that many of the surrounding premises operate up to and beyond 11pm, some of which operate until midnight. Such restaurants located within Neal's Yard hold the following lawful hours:

- 4-5 Neal's Yard – No restriction on hours (ref. 2014/3399/P)
- 8-10 Neal's Yard – 07:00 to 23:00 (ref. 2013/0488/P)

London Borough of Camden
23 June 2014

- 11-13 Neal's Yard – No restriction on hours (ref. 9400320)

The additional hours will not impact on the amenity of the surrounding residential properties. Neal's Yard is located within the heart of Covent Garden and Central London; characterised by a mixture of uses and is a popular alfresco-dining location in the summer months. Extending the hours to be in-keeping with neighbouring premises will support the existing premises which, at present, is noticeably disadvantaged to its surrounding competitors.

We confirm that this application relates solely to the premises existing hours of operation. No external or internal alterations are proposed.

Planning Policy Consideration

Local Policy DP12 (Supporting strong centres and managing the impact of food, drink and entertainment and other town centre uses) states that the Council will ensure 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. Further, noting that any potential harm to amenity or the local area, the Council will, in appropriate cases, use planning conditions and obligations to control the hours of operation.

This application seeks to extend the evening opening hours to match with the existing table and chairs license granted in 2013 and improve the commercial function and competitiveness of the unit to future tenants. The addition of two hours operation will allow tenants to serve customers later until 22:00-22:30 and provide enough time to clean down and allow final customers to leave the premises before 23:00. This we consider is perfectly acceptable within a Central London location and is not considered to cause any demonstrable impact or harm to the amenity of neighbouring premises.

CPG8 paragraph 5.17 notes that in general, earlier closing times will be more appropriate in neighbourhood centres and residential areas than in town centres and other commercial areas.

Paragraph 5.18 further notes within more commercial areas, such as Town Centres which have significant amounts of food, drink and entertainment uses, limited residential development and are well served by public transport during the late evening/night, later closing times (beyond midnight) may be applied. We confirm this application seeks to extend the premises opening hours to 23:00 only, thus being shut an hour before midnight.

Summary

This application seeks to vary condition II (no.2) to extend the existing opening hours of the ground floor premises from 09:00 to 21:00 daily to 07:00 to 23:00 daily.

The applicant seeks an extension of hours to correspond with the expired table and chairs licences and those surrounding premises. The current operating hours are uncompetitive with existing restaurants/takeaway operations within Neal's Yard which have a number of late night or unrestricted hours of operations.

We trust the Council has sufficient information to successfully determine this application, however should you have any further queries or wish to arrange a site visit please do not hesitate to contact the undersigned.

London Borough of Camden
23 June 2014

Yours faithfully

A handwritten signature in black ink, appearing to read 'R. Litherland', written in a cursive style.

Rupert Litherland
Rolfe Judd Planning Limited