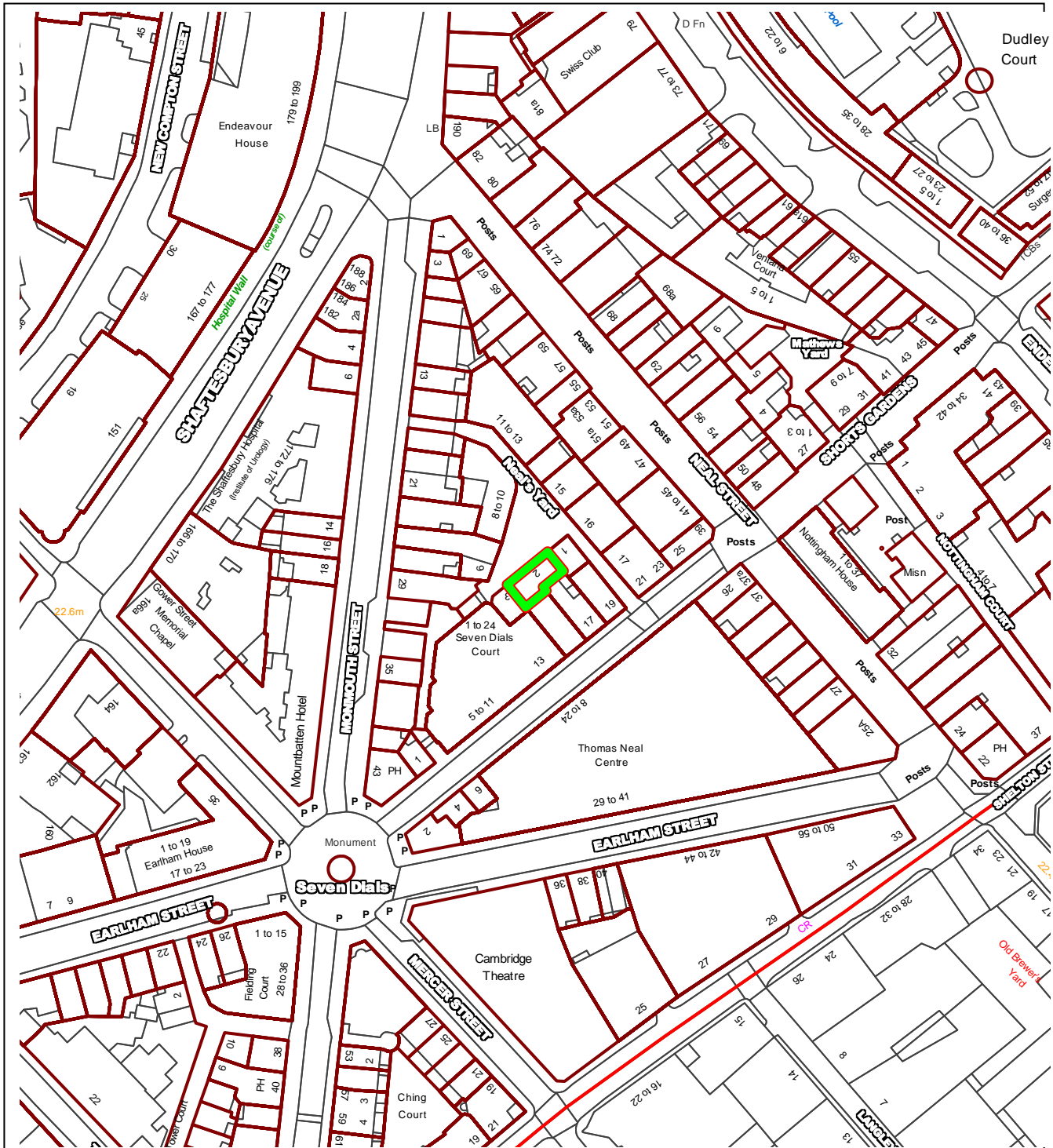


Members Briefing – 27/10/2014 – 2 Neal’s Yard – 2014/4804/P

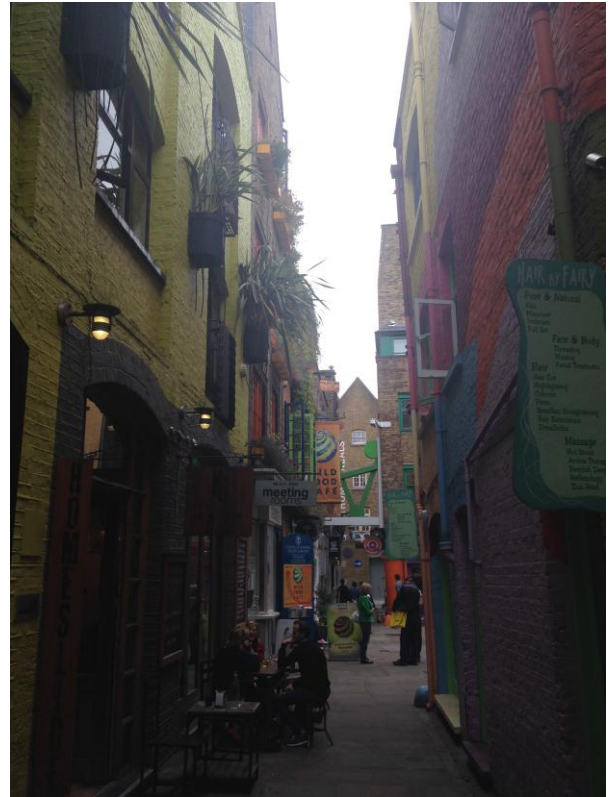


Site photographs from 11/09/2014

1. Neal's Yard courtyard



2. Walkway leading to courtyard



3. No. 2 Neal's Yard (centre ground floor unit, purple coloured timber doors)



Members Briefing Report		Analysis sheet	Expiry Date:	19/09/2014
		N/A / attached	Consultation Expiry Date:	11/09/2014
Officer			Application Number(s)	
Katrine Dean			2014/4804/P	
Application Address			Drawing Numbers	
2 Neal's Yard London WC2H 9DP			Refer to Draft Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Variation of condition 2 (opening hours) of planning permission granted 27/11/1985 (ref: 8401150 & T/APP/X5210/A/85/27348/P7) to amend opening hours from 07:00 to 23:00 hours daily.				
Recommendation(s):		Variation of Condition Grant		
Application Type:	Variation or Removal of Condition(s)			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	36	No. of responses	02	No. of objections	02
			No. electronic	00		
Summary of consultation responses, including those of <u>the Covent Garden Community Group Association</u> :	<p>A site notice was displayed from 10/04/2013 and a public notice was published in the Ham & High from 18/04/2013.</p> <p>Two objections have been received (1 – occupier of 14 Neal's Yard, 1 - Covent Garden Community Group Association) in connection with the application on the following grounds:</p> <ol style="list-style-type: none"> 1. Noise nuisance; 2. It is proposed that a licence for trading food is amended to the hours between 09:00 – 22:00, in line with Camden’s guidance for residential areas; 3. Neil’s Yard is a residential area and the existing operations already cause harm to residential amenity from noise nuisance and food smells; 4. Extending the operating hours would exacerbate the existing problem; 5. A closing time of 23:00 will mean that noise would continue until 23:30 as staff would require to clean up once the customers leave; 6. Allowing an opening time of 07:00 means that noise will begin before that, as staff must set up before opening; and 7. The existing hours are inappropriate for these operations. 					
Officer Comments	<ol style="list-style-type: none"> 1. This matter is discussed in 3.1 -3.6 of the report 2. This is a central location where noise levels are intrinsically high, however the level of impact depends on the nature of the business and their surroundings and is therefore assessed accordingly on a case by case situation. 3. No complaints have been received by the Council's Environmental Health Department for this property. The applicant has confirmed that the unit has been operating later, albeit without consent. 4. See response 3 as above 5. The proposed operating times of 07:00 – 23:00 would be on the premise that all activities, cleaning and setting up, are contained within that time bracket i.e. no setting up of the shop would commence until 07:00 and the place would require to be cleaned and vacated by 23:00. 6. See response 5 as above 7. It is considered that amenities such as this in central London would be expected to operate until around 23:00, in order to be viable. The earlier start of 07:00 would allow for the business to cater for breakfast trade. 					
Camden Council’s Environmental Health Department	This location falls within one of Camden’s Special Policy Areas at Seven Dials for Licensing, where hours of operation for licences					

For licences not including the sale or supply of alcohol:

Monday to Thursday 0900 hours until 2330 hours
Friday and Saturday 0900 hours until midnight
Sunday 0900 hours until 2230 hours

The premises have no noise complaint history. The only noise complaints received at Neal's Yard were at number 14 where a complaint of noise from loud music was received on 06/09/2013 and another one on 05/02/2003 for noise from deliveries. No formal action was taken in either case.

Site Description

The application site is located in a courtyard with shops and restaurants fronting onto a paved open space, which is surrounded and enclosed by buildings. This space is occupied by benches and trees in the centre and tables and chairs of the surrounding cafes and restaurants. The surrounding buildings are used as shops, cafes and restaurants at ground floor level, with other sui-generis and A5 uses and residential flats at the upper floors. The application site is a building which is five storeys in height and the works relate to the ground floor unit in the building, number 2 Neal's Yard (East).

Relevant History

Recent consent granted for extending operating hours at 8 – 10 Neal's Yard:

2013/0488/P - Variation of condition 1 (agreed opening hours) of planning permission PSX0004601 dated 25/09/2000 (Dual use of the ground floor for either retail (Class A1) or Food & Drink (Class A3) purposes) to amend the opening hours from 7am to 9pm daily to 7am to 11pm daily. Granted 05/04/2013.

P9600112 - 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. Granted 10/05/1996.

8401422 - Change of use of first floor from community rooms to (i) restaurant permission personal to the applicant and (ii) light industrial. Refused 31/10/1984.

8401150 - Change of use from retail to shop for the sale of hot food. Granted on appeal 27/11/1985.
35981 - The continued use of the ground floor as two retail units, the first floor as a community room, the second floor as medical consulting rooms and the third floor as a self-contained residential flat. Granted 23/05/1983.

31995(R2) - The use of the ground floor for retail, restaurant on the first floor, teaching-consulting rooms on the second floor, together with the addition of a third floor roof extension for residential purposes. Granted 16/07/1981.

Relevant policies**Camden Core Strategy**

CS5 – (Managing the impact of growth and development)

CS7 – (Promoting Camden's centres and shops)

CS9 – (Achieving a successful Central London)

Camden Development Policies (2010 – 2025)

DP12 – (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses)

DP26 – (Managing the impact of development on occupiers and neighbours)

DP28 – (Noise and vibration)

Camden Planning Guidance (CPG): 2013

Revised Planning Guidance for Central London, Food, Drink and Entertainment, Specialist and Retail Uses October 2007 (RPG).

London Plan 2011

NPPF 2012

Assessment

1. Background:

1.1 Permission was granted (allowed on appeal: ref: 8401150 & T/APP/X5210/A/85/27348/P7) for the change of use of a retail unit to a shop selling hot food (A3).

Condition 2 states:

'The hot food shop hereby permitted shall not be open on any Sunday or Bank Holiday, nor before 09:00 or after 21:00 on other days.'

2. Proposal

2.1 It is proposed to vary Condition 2 to the following:

'The use hereby permitted shall not be carried out outside the following times 07:00 – 23:00 daily.'

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP12 of the London Borough of Camden Local Development Framework Development Policies.

3. Assessment

3.1 Whilst it is recognised within CPG5 that food and entertainment uses contribute to the vitality and viability of town centres, they can also have a harmful effect on residential amenity in terms of noise and disturbance. The level of impact depends on the nature of the business and their surroundings. Each case is assessed individually, dependant on the locale, however generally earlier closing times are more appropriate in residential and neighbourhood centres, rather than central areas.

3.2 Covent Garden in particular is identified in the London Plan as a 'strategic cluster of night time activity of strategic importance and makes a particular contribution to London's world city offer'. This established central area is associated with higher noise levels than other, more traditional, residential centres where higher noise levels are anticipated and form part of the character of this area. It is understood that shops and cafes are also expected to operate at weekends and bank holidays.

3.3 Occupied by 'Wild food Café', the user operates between the hours of 12.00-17.00 (Sunday – Monday) and 12.00-22.00 (Sunday – Monday), albeit outside of the prescribed hours, without attracting any complaints (received by the Council's Environmental Health Department) from the surrounding residents.

3.4 Given the nature of the operation, garnering no complaints in terms of its use, it is considered that extending the operation of the business (essentially formalising the operating hours) by two hours at either side of the day and allowing it to operate on Sundays and Bank Holidays would not have a negative impact on amenity. It would also be consistent with those similar commercial elements in and around Neal's Yard.

3.5 It is considered that increasing the operating hours to 07:00 to 23:00 daily would not conflict with the aims set out in CPG5, CPG6, DP12, DP26 and DP28 (minimise negative impact on residential

amenity), whilst supporting the vitality and viability of the central location.

3.6 Ensuring the amenity of the locality, matters regarding potential noise disturbance, nuisance, ventilation and cooking smells, otherwise secured with the original consent, would also require compliance with Environmental Health regulations.

Recommendation: Variation of Condition Grant

DISCLAIMER Decision route to be decided by nominated members on Monday 27th October 2014. For further information please click [here](#)

Rolfe Judd Planning
Old Church Court
Claylands Road
Oval
London
SW8 1NZApplication Ref: **2014/4804/P**
Please ask for: **Katrine Dean**
Telephone: 020 7974 **3844**

21 October 2014

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) GrantedAddress:
**2 Neal's Yard
London
WC2H 9DP****DECISION**

Proposal:

Variation of condition 2 (opening hours) of planning permission granted 27/11/1985 (ref: 8401150 & T/APP/X5210/A/85/27348/P7) to amend opening hours from 07:00 to 23:00 hours daily.

Drawing Nos: Site location plan and Letter prepared by Rupert Litherland dated 23/07/2014

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 Condition 2 of the planning permission granted on 27/11/1985 under reference number 8401150 shall be replaced by the following condition:

REPLACEMENT CONDITION 2

'The use hereby permitted shall not be carried out outside the following times - 07:00 to 23:00 daily'.



Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 and DP12 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions (and obligations where applicable) as attached to the previous planning permission.
- 2 You are advised that condition 2 means that no customers shall be on the premises and no noise generating activities associated with the use, including preparation and clearing up, shall be carried out otherwise than within the permitted time.
- 3 Your attention is drawn to the need for compliance with the requirements of the Environmental Health regulations, Compliance and Enforcement team, [Regulatory Services] Camden Town Hall, Argyle Street, WC1H 8EQ, (tel: 020 7974 4444) particularly in respect of arrangements for ventilation and the extraction of cooking fumes and smells.
- 4 You are reminded that filled refuse sacks shall not be deposited on the public footpath, or forecourt area until within half an hour of usual collection times. For further information please contact the Council's Environment Services (Rubbish Collection) on 020 7974 6914/5 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-street-environment-services.en>.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

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

Yours faithfully

Director of Culture & Environment