

<b>Members Briefing Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	19/09/2014
		N/A / attached	<b>Consultation Expiry Date:</b>	11/09/2014
<b>Officer</b>			<b>Application Number(s)</b>	
Katrine Dean			2014/4804/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
2 Neal's Yard London WC2H 9DP				
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
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.				
<b>Recommendation(s):</b>	Approve			
<b>Application Type:</b>	Variation or Removal of Condition(s)			

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	<b>36</b>	No. of responses	<b>02</b>	No. of objections	<b>02</b>
			No. electronic	<b>00</b>		
Summary of consultation responses, including those of the Covent Garden Community Group Association:	<p>Two objections have been received in connection with the application on the following grounds:</p> <ul style="list-style-type: none"> <li>• Noise nuisance;</li> <li>• 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;</li> <li>• Neil’s Yard is a residential area and the existing operations already cause harm to residential amenity from noise nuisance and food smells;</li> <li>• Extending the operating hours would exacerbate the existing problem;</li> <li>• 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;</li> <li>• Allowing an opening time of 07:00 means that noise will begin before that, as staff must set up before opening; and</li> <li>• The existing hours are appropriate for these operations.</li> </ul>					
Officer Comments	<ul style="list-style-type: none"> <li>• This is a central location where noise levels are intrinsically high and where and therefore the restrictions placed on operating hours are less stringent than they are in residential areas.</li> <li>• No complaints have been received by the Council’s Environmental Health Department for this, or any of the surrounding, properties and the applicant has confirmed that the unit has been operating later, albeit without consent.</li> <li>• 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.</li> <li>• 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.</li> </ul>					
Camden Council’s Environmental Health Department	<p>This location falls within one of Camden’s Special Policy Areas at Seven Dials for Licensing, where hours of operation for licences</p> <p><b>For licences not including the sale or supply of alcohol:</b></p> <p>Monday to Thursday 0900 hours until 2330 hours  Friday and Saturday 0900 hours until midnight  Sunday 0900 hours until 2230 hours</p> <p>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.</p>					

## 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

### LDF Core Strategy and Development 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

CPG1 - Amenity

CPG5 – Town Centre, Retail & Employment

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

**London Plan 2011**

## Assessment

### 1. Proposal

- 1.1 This application seeks planning consent to vary condition 2 placed onto planning consent 8401150 for the change of use of a retail unit to a shop selling hot food (A3). This application was originally refused by the Council but subsequently granted on appeal. 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'*. It is proposed to vary the Condition to the following: - *'The use hereby permitted shall not be carried out outside the following times 07:00 – 23:00 daily'*.

### 2. Amenity

- 2.1 It is not considered that extending the operation of the business by two hours at either side of the day and allowing it to operate on Sundays and Bank Holidays would have a negative impact on amenity. The premises has been operating out-with their prescribed times of 09:00 and 21:00 and no noise complaints have been received by the Council's Environmental Health Department. Furthermore, the hours proposed are consistent in Neal's Yard:

- 3 Neal's Yard – No restrictions on hours (ref PSX0304286)
- 4/5 Neal's Yard – Permitted hours until midnight (ref PS9604554/R1)
- 13 Neal's Yard – No restrictions on hours (ref P9400320/R1)
- 14/15 Neal's Yard – No restrictions on hours (ref 9100701)
- 8/10 Neal's Yard – 07:00 – 23:00 – (2013/0488/P)

As such, extending and formalising these operating times to 07:00 to 23:00 would not conflict with the advice set out in CPG6 and DP26 and DP28.

### 3. Town Centre, Retail and Employment

- 3.1 Whilst it is recognised within GPG5 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 This is a central location, where shops and cafes are expected to operate at weekends and bank holidays. No sale of alcohol takes place at the premises and the unit has been operating out-with their prescribed operating hours, without attracting any complaints from the surrounding residents. It is therefore considered that increasing the operating hours would improve the vitality and viability of the central location without having a negative impact on residential amenity. In effect, this proposal would regularise an existing operation, which would be consistent with the operating hours of the surrounding businesses, some of which are unrestricted by planning conditions and are controlled by licensing legislation. The proposal therefore complies with the advice within CPG5 and Policy DP12.

### 4. Conclusion and Recommendation

- 4.1 Covent Garden 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 'vibe' of this

area.

Having given regard to the above assessment, it is considered that the proposal complies with the relevant policies and guidance of the Council and that Condition 2 should be amended accordingly.