

JD/RL/P5623
21st October 2014

Development Management
Camden Town Hall Extension
Argyle Street
London
WC1H 8EQ

Dear Sir/Madam

Town & Country Planning Act 1990 (as amended)
16 Neal's Yard, London, WC2H 9DP
Full Planning Application for change of use to the basement and ground floor from retail (Class A1) to restaurant (Class A3) use; and installation of new extract duct.

Planning Portal Ref: PP-03712467

On behalf of the applicant, Shaftesbury Covent Garden Ltd, we write in support of a planning application for change of use of the basement and ground floor to restaurant (Class A3) and the installation of a new extract duct. We enclose with this cover letter a cheque for the appropriate planning fee of £385.00. Accompanying documentation in support of this application has been submitted electronically online via the Planning Portal.

Site Location and Existing Use

The site is located to the south eastern corner of the popular area of 'Neal's Yard'. Access into the enclosed courtyard is provided from Monmouth Street to the north and Shorts Gardens to the south. The existing three storey mid-terrace property comprises retail (Class A1) at basement and ground floors (Slam City Skates) and office (Class B1) accommodation to the remaining upper floors. Adjacent to the property either side is 16A Neal's Yard (Class A1) and 10 Shorts Gardens 'Holland and Barrett' (Class A1).

The application property is not listed, however is located within the Seven Dials Conservation Area and designated as being within the Central Activity Zone. The Seven Dials Conservation Area Appraisal describes Neal's Yard as;

'...a courtyard area which has developed over-time into a wholefood and complementary medicine centre which also serves as a well-used small public open space'.

The shop's frontage is also designated as Secondary Retail Frontage within Camden's Planning Guidance (CPG5).

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Relevant Planning History

Planning permission was granted on 23 December 2008 for alterations to the ground floor retail shop front, including replacement of existing door, fanlight and panelled shop front window with new single-pane glazed shopfront.

Planning permission was granted on 13 December 2012 for the dual/alternative use of the first floor for either office use (Class B1a), retail (Class A1) or as a therapy room/beauty clinic (Sui-generis). As confirmed above, the first floor is currently in office (Class B1) use.

Planning permission was granted on 21 July 2014 for the replacement of 2 x windows and 1 x doorway with 3 timber doors on front elevation at ground floor level.

The Applicant's Proposal

The applicant wishes to change the use of the basement and ground floor from retail (Class A1) to restaurant or cafe (Class A3) use and install a new rear extract duct, as indicated on the accompanying floor and elevation plans.

Neal's Yard, as described within the Conservation Area Statement, is a small, popular and enclosed cosmopolitan space providing a niche supply of independent wholefood related cafes, sandwich and retail shops. The renowned courtyard has continued to captivate visiting tourists and local residents with its quiriness and recognised tradition of supporting a wide array of natural food products and therapies; something which the applicant has continuously supported and successfully managed for the area.

The use of the premises for either restaurant or café (Class A3) is wholly compatible with the surrounding function of the Neal's Yard with the potential to contribute positively to the social and economic vitality of Neal's Yard and wider area of Seven Dials.

An indicative floor plan for a proposed restaurant layout shows a potential for up to 58 covers split across the basement and ground floor; however the final internal layout will be designed by incoming tenants. Toilet facilities will remain to the rear of the basement with access provided between floors from the existing spiral staircase. Waste storage will remain as existing with frequent weekly collections undertaken by the local authority.

To support the proposed A3 use and provide proper servicing arrangements, a new external extract duct constructed from stainless steel and measuring 400mm in diameter is proposed. The extract duct will be position to the rear of the building in-between the existing windows. The extract duct will terminate below the existing ridge level.

Design and Access Statement

In accordance with the Town & Country Planning (Development Management Procedure) (England) (Amendments) Order 2013 Part 4 Article 8, a simple design and access statement is submitted as part of this application. We confirm that access will remain from the ground floor entrance.

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Acoustic Assessment

An accompanying acoustic assessment has been prepared by consultants Hann Tucker and is submitted as part of this application. The assessment has been completed to determine whether the proposed external extract will be in accordance with the Camden's local guidance on noise emissions in consideration to the nearest noise sensitive window. The assessment demonstrates that the proposed plant will be capable of achieving the necessary acoustic requirements (as set out) with further mitigation measures being implemented. The proposal will not affect the nearest noise sensitive window (located approximately 5 metres distance away) and would not result in any harm to existing residential amenity in terms of undue noise, nuisance and disturbance over and above what presently exists.

As such the proposal will accord with Development Management Policy DP28: Noise and Vibration, and will not result in any unpleasant smells or noise pollution to nearby properties.

Planning Policy Consideration

The unit suffers from a poor location in that it only has frontage onto Neal's Yard's passage-way and subsequently un-viewable from the main retail thoroughfare of Shorts Gardens. The size of the unit is also larger than comparable units in this type of location for retail sales, thus requiring tenants to resource a larger amount of stock than would be required or wanted. The current tenants are relocating to Endell Street and a food orientated use connected with Neal's Yard is considered to be a better operation which could contribute positively to the Yard's growing success and character.

- *Local A1 Retail Provision:*

The proposed A3 use at 16 Neal's Yard will support the special retail and food character of Neal's Yard within Seven Dials. The applicant, Shaftesbury PLC has successfully been managing this particular area of Covent Garden for nearly 30yrs. In more recent years, Shaftesbury have created along nearby streets an additional 10 new retail premises collectively measuring 2,075 sq.m. The loss of approximately 110 sq.m is therefore considered de-minimis in comparison to the net additional retail accommodation create by the applicant. The long term provision of additional retail space (such as 15 Monmouth Street provided most recently) by the applicant is recognised as being wholly supportive of Camden's strategic policy and Central London Planning Guidance; ensuring the sufficient supply of good quality retail accommodation for small and growing businesses in accordance with Development Management Policy DP10.

It is further noted that within Policy DP10, outside designated centres, the loss of shops (Class A1) will be resisted unless there is alternative provision within 5-10 minutes' walk. As already noted, a plethora of retail accommodation has been created by the applicant with an adequate supply of alternative shops and services nearby within the area of Seven Dials. We confirm that the existing tenants are not being lost, but instead purposely relocating within the Estate to move to better retail suited unit.

Core Strategy Policy CS7 seeks to promote Camden's centres and shops, acknowledging it is the eclectic mixture of shops and services within places which provide character and identity to local areas such as Neal's Yard. Policy CS7 further aims to ensure the vibrancy, vitality and unique role of Camden's centres is protected and enhanced. The proposal seeks to provide an additional Class A3 premises for either café or restaurant use to support and grow Neal's Yard's reputation and unique

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character in wholefood dining experiences in support of local policy. It is further noted that the Yard also supports a local residents, office workers and retailers which is an important part of the wider jigsaw and overall success of Seven Dials.

- *Consideration of Camden Planning Guidance 5:*

The premises is designated as being secondary retail frontage within Central London. Camden's Planning Guidance 5 (CPG5) states that;

"Central London Frontages are considered generally appropriate locations for new food, drink and entertainment uses, as they have good public transport provision (including late-night services) and are busy, commercial streets with limited residential development... Frontages are subject to this general guidance on food, drink and entertainment uses outlined in section 6. For all planning applications, the Council will not grant consent for proposals that it considers would cause harm to the vitality and viability of the area".

With regards to this application it recognised that CPG 5, as noted above, is considered to be 'general guidance' and not uniform policy. The Council must acknowledge the overall merits of the application; considering therefore whether the proposal would lead to inappropriate harm to the vitality and viability of Neal's Yard and the surrounding Seven Dials district shopping area.

The proposed A3 use would not result in two or more food, drink and entertainment uses located consecutively adjacent to one another. As contained within Part C Paragraph 8.7 and Appendix D of CPG5, the Council will normally permit to a maximum of 25 percent of total units along a commercial street frontage to be of food, drink or entertainment uses. Only one property is currently operating under Class A3 use out of a total of eight commercial premises along the eastern frontage of Neal's Yard. However taking consideration of the Yards entire frontage, a total of 3 existing units are in A3 or A5 use. In accordance with Camden's Guidance it is calculated that only 20 percent of the current frontage is therefore in food, drink or entertainment related uses. The introduction of A3 at 16 Neal's Yard would therefore increase the total number of units in A3 or A5 use to 4 and the percentage to 26.6 percent; this being just 1.6 percent above the Council's guidance for a maximum of 25 percent of the commercial premises is currently within food, drink or entertainment uses. This guidance, we consider, does not recognise the unique circumstances of Neal's Yard.

Development Policy DP12 aims to protect residential amenity, character and function of an area from food, drink and entertainment uses. As already noted the proposal is considered wholly complimentary with the surrounding land uses and existing whole food experiences already being provided within Neal's Yard. The applicant currently provides an active and successful management of the many existing properties within Neal's Yard thereby ensuring the protection of nearby residential amenity to 3 Neal's Yard and Seven Dials Court. The Yard's location is not a 'late night destination' for entertainment, but through the careful management of commercial tenants, having regard to hours of operation, noise and pollution from plant and machinery and the safe and secure storage and disposal of waste, Neal's Yard will remain an attractive, clean and vibrant environment for residents to enjoy. As such, the proposal will not result in any adverse impact upon nearby residents, existing premises or the surrounding Seven Dials Conservation Area.

- *Amendments to Permitted Development Rights:*

Recent amendments to Permitted Development Rights came into effect on 30 May 2013. Under the

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proposed changes with the introduction of Class D of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013, the application site currently Class A1 retail use would be permitted, subject to prior approval, change to either Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurant), or Class B1 (business) for a temporary period of two year's. Under a recent Government Consultation exercise which proposed a number of changes to the planning system, one proposal included the extension of Permitted Development Legislation for either A1 or A2 uses along the High Street to change to A3 indefinitely subject to various tests.

The Secretary of State for Communities and Local Government, Eric Pickles, stated the proposed amendments to Permitted Development Rights are intended to provide greater opportunity for businesses to diversify, bring empty and underused buildings back into productive uses, and support new business start-ups with people looking for premises to test new business opportunities. It is considered that the proposal is in accordance with Secretary of State's primary objectives for the new permitted development amendments.

Conclusion

Taking into consideration the Council's current development policies, the existing land uses and character of Neal's Yard and the additional 2,074 sqm of retail space provided by the applicant over recent years, we consider this application to be wholly acceptable and supportive of the continued success of Seven Dials. The proposed change of use would result in 26.6 percent of Neal's Yard commercial frontage being within either food, drink or entertainment uses; just 1.6 percent more than CPG5 guidance of the maximum 25 percent. This we consider wholly appropriate in light of the existing retail units limitations and the wider opportunities the scheme brings to support Neal's Yard.

The proposal also includes the provision for an external extraction duct which, following the appropriate acoustic assessment, will not impact upon local residential amenity.

We trust the Council will agree that this application is acceptable and we look forward to a swift and positive determination. However should you require any further information or wish to arrange a site visit to discuss the application in further detail, please do not hesitate to contact the undersigned.

Yours faithfully



Rupert Litherland
Rolfe Judd Planning Limited