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Dear Sir/Madam

Proposed permanent change of use of ground floor and basement accommodation from Class A1 (retail) use to Class A3 (restaurants and cafes) use at 3 Windmill Street, London W1T 2HY

We enclose an application for full planning permission for the above proposed permanent change of use of the ground floor and basement accommodation of the above property, along with the requisite fee for £385.00.

The application site has been in use as a Class A3 premises since 30/09/2013, utilising the two-year temporary change of use allowances. The notification application to the LPA was 2013/5235/P. The temporary two-year period technically expired on 30/09/2015 and the LPA has since written to the applicant on 28/04/2016 to remind them of this and invite an application for the renewal of planning permission for the Class A3 use of the premises (LPA reference: RS/PE/EN16/0058). This was a genuine oversight by the applicant.

In addition to the temporary use notification application stated above, the recent planning history of the site is limited to the installation of new doors on the frontage elevation (LPA reference: 2013/3205/P) and associated signage (LPA reference: 2013/3438/A) which were both approved on 30/07/2013.

The applicant wishes to continue to operate this successful Class A3 business from the premises and continue to offer excellent food and drink to residents, workers and visitors within this part of Camden. The continued use of the premises by the applicant will ensure continuing economic activity and employment at this site, with its on-going important contribution to the vibrancy and vitality of this part of Windmill Street. The business employs 8 full-time and 1 part-time staff.

Windmill Street is a mixed-use street which generally comprises various commercial properties at ground floor level. Most of these are retail in nature but the application site forms one of a handful of food and drink style uses which complement the retail function of Windmill Street and the wider local area. Other food and drink uses in this part of Windmill Street include Siam Central Thai Restaurant, Café Metro Express, Sharps and The Fitzroy Tavern. It is considered that the applicant's continued use of the application site would ensure the on-going complementing of the mixed-use nature of Windmill Street which would continue to add to the vitality and viability of this area.



The site benefits from excellent public transport accessibility, with a Transport for London PTAL (Public Transport Accessibility Level) of 6b (the highest possible). The location is served by underground and bus services, as well as over-ground trains from Euston station.

The site lies within the designated Charlotte Street Conservation Area. This application is principally concerned with the continued use of the application site as a Class A3 use and includes no proposed external alterations or additions to the signage scheme, other than the ventilation equipment required to support the associated kitchen. The ventilation equipment is already installed at the site and is located at the rear of the premises. It has no significant impacts upon the external appearance of the building and is not visible from the front of the premises. The external appearance of the building would therefore remain as it currently exists and is not materially or adversely affected by the retention of the existing kitchen ventilation plant at the rear. The continued use of the application site by the applicant's Class A3 use would ensure the on-going contribution to the vibrancy and pedestrian footfall and activity within the Windmill Street area. It is therefore considered that the proposal would preserve the character and appearance of the Charlotte Street Conservation Area.

Within the local context of the site, the proposed continued use of the premises for Class A3 use will not result in any detrimental impacts upon the amenities of any local residents or the area in general. The floor area of the application premises is modest, at only 92 square metres. The hours of trading are also modest and appropriate for the local area, being open from noon daily until 2300 hours daily. The premises have traded as such since 30/09/2013 without any complaints from local residents and without any detrimental impacts upon the amenities of the local area in general.

Throughout the use of the application site, Camden Council also retains on-going regulatory control of the day-to-day detailed operation and management of the premises as Licensing Authority, which is a material planning consideration. The premises benefits from a premises licence from Camden Council which was originally granted on 18/07/2013 (reference: PREM-LIC\3579). There are 25 detailed conditions requiring the on-going management of these premises imposed on the premises licence. These conditions go well beyond what can be secured through the planning system and include restricting the sale of alcohol for consumption on the premises to customers having a meal only (condition 16); requiring staff supervision to ensure that customers using the external seating area do not block the pavement or cause a nuisance to neighbours (condition 18); requiring the on-going clearing and cleaning of the external seating area (condition 19); restricting all but bakery deliveries to outside of 1800 to 0800 hours daily and not before 1000 hours on Sundays (condition 20); restricting the number of customers who can smoke outside the premises after 2100 hours daily to not more than 4 and requiring that they cannot take any drinks with them (condition 21); restricting the collection of rubbish to outside of 2000 to 0800 hours daily and not before 1000 on Sundays, bank and public holidays (condition 24); and requiring the cessation of use of the external seating area at 2100 hours daily (condition 25). There is no need for the planning system to try and replicate these controls and these conditions demonstrate the on-going regulation and control that Camden Council has as Licensing Authority over the management and operation of the Class A3 use of the application site.

This proposal is clearly supported by the National Planning Policy Framework (NPPF). At the heart of the NPPF is a strong presumption in favour of sustainable development (paragraph 14), unless there are demonstrable adverse impacts. Paragraph 6 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 states that there are three identified dimensions to sustainable development, comprising economic, social and environmental dimensions. As a consequence, the planning system should contribute to building a strong, responsive and competitive economy.

Planning decisions should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives. Every effort should be made objectively to, *inter alia*, respond positively to wider opportunities for growth (paragraph 17). The NPPF stresses that



planning should operate to encourage and not act as an impediment to sustainable growth (paragraph 19). To help achieve economic growth, LPAs should plan proactively to meet the development needs of business and support an economy fit for the 21st Century (paragraph 20).

The NPPF states that investment in business should not be over-burdened by the combined requirements of planning policy expectations (paragraph 21). Planning policy should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. Policies should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality and should promote competitive town centres that provide customer choice and a diverse retail offer, and which reflect the individuality of town centres (paragraph 23).

In relation to Heritage Assets, only where a proposed development will lead to substantial harm to/or total loss of significance of a designated Heritage Asset should local planning authorities refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (paragraph 133). This gives a presumption in favour of development that does not cause substantial harm, or if any substantial harm can be justified. Where a development proposal will lead to a less than substantial harm to the significance of a designated Heritage Asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (paragraph 134).

Local Planning Authorities should approach decision-making in a positive way (paragraph 186) and should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible (paragraph 187).

It is also considered that this proposal accords with the adopted local planning policy context for this site. The adopted Camden Core Strategy 2010 – 2025 is principally focussed on strategic policies and objectives which, given the very modest nature of this proposal, are considered to be of less direct relevance than the adopted Camden Development Policies 2010 – 2025.

Policy DP10 of the Development Policies seeks to promote small and independent shops. Outside of the designated centres the loss of retail floor space is accepted where there is alternative provision available within a 5 to 10 minutes walk and within the Central London Area the development positively contributes to local character, function, viability and amenity. Policy DP12 of the Development Policies seeks to ensure that development for food, drink, entertainment and other town centre uses does not harm the character, function, vitality and viability of a centre, a local area or the amenity of neighbours. Policy DP26 of the Development Policies seeks to manage the impact of development on neighbouring occupiers, with development that would cause harm to amenity resisted. The modest floor space of this proposal and its existing trading since 30/09/2013 as a Class A3 use has demonstrated that there is no genuine impact of the proposed use on the aspirations of these policies. The proposed use does, in reality, enhance the character, function, vitality and viability of the local area as part of the wider vibrant, mixed-use nature of Windmill Street and the wider local area. The applicant's business also provides local employment and an attractive food-led leisure use which significantly adds footfall to the local area. Alternative retail provision is available within both Windmill Street itself and the surrounding streets, especially in Charlotte Street. As already discussed above, residential amenity is also unaffected, as has been demonstrated since the operation of the site since 30/09/2013 as this Class A3 use. The applicant's business at this site therefore has a proven track record of providing a well-managed business that operates in a respectful manner to its neighbours; and which is subject to the on-going regulation of Camden Council as both Licensing Authority and Environmental Protection authority. Given all of this context, it cannot be reasonably concluded that the proposed use would warrant a refusal of planning permission.

Policy DP16 of the Development Policies addresses the transport implications of development and seeks to ensure that development is properly integrated within the transport network. As already rehearsed above,



the application site benefits from excellent public transport infrastructure and is within a 6b PTAL area. There is therefore clearly no conflict with this policy.

Policy DP25 of the Development Policies concerns conserving Camden's heritage. This requires development within designated conservation areas to preserve and enhance their character and appearance. As already rehearsed above, this application is principally concerned with the continued use of the application site as a Class A3 use. The site already benefits from installed kitchen extract/ventilation equipment which is located at the rear of the premises. This results in no significant nor material harm to the character and appearance of the building or the wider conservation area and this plant is not visible from the front elevation of the building. No other proposed external alterations or additions to the signage scheme are included with this planning application. The external appearance of the building would remain as it currently exists. The continued use of the application site by the applicant's Class A3 use would continue to contribute to the vibrancy and pedestrian footfall and activity within the Windmill Street area. It is therefore considered that the proposal would preserve the character and appearance of the Charlotte Street Conservation Area.

The prime measure of the vitality of a town centre is the number of people attracted to it at different times of the day and evening. The continued use of these premises by the applicant will continue to provide for a range of food-led customer offers. The existing Class A3 use attracts customers to the site and increases the time spent on the site and within the local area, above and beyond that associated with a conventional retail style use of this unit. It is evident that many customers will combine their visit to these premises with other trips and reasons to be in Windmill Street and the surrounding local area; whether for work, leisure or shopping purposes. The provision of places to secure food and refreshment are an important component in the functioning and operation of the local area as a commercial business and retail centre with its own resident population. The vibrancy, vitality and viability of this area would suffer if there were no appropriate supportive food and refreshment facilities for workers, visitors and residents. The dwell-times of shoppers within a retail centre is directly influenced by the provision of suitable food and refreshment facilities within that retail centre. The July 2014 study – High Street Performance & Evolution – by the University of Southampton produced evidence to suggest that the "leisure aspect" of shopping trips, including places to eat, is a significant driver of footfall in high streets. Additionally, the leisure offer increases not only dwelling time within the high streets, but also the average amounts spent by people. The report states that there is evidence that:

"Local businesses are increasingly seeing the benefits of the leisure offer on their high streets to their individual trading. Additionally people more and more see the value of leisure spaces - spaces for casual dining, like cafes, pubs etc – as community meeting hubs and spaces for mobile working and networking".

The Economic and Social Research Council (ESRC) funded the co-authors of the High Street Performance and Evolution report (Professor Neil Wrigley and Dr Dionysia Lambiri) to undertake a comprehensive evidence review of this report and this was published in March 2015 and titled 'Britain's High Streets: From Crisis to Recovery'. This evidence review is clear that town centres and high streets will not revert to pre-crisis forms and the structural shift away from retail *per se* to services, especially leisure (such as bars and cafés) and retail services (such as health and beauty) will continue. High streets will continue a shift away from being shopping destinations to being spaces for service provision, leisure and social interaction. As the UK slowly moves out of recession, it is reasonable to forecast that consumer spending on leisure will increase further, with restaurants, cafés, bars and gyms continuing their growth. The evidence review concludes:

"Overall, what becomes clear from the evidence reviewed is that the "experiential" side of the town centre journey – that is to say, social interaction, visits to cafés and cultural activities, together with the overall town centre atmosphere – heighten enjoyment, increase dwell time and spend in centres, and deter consumers from resorting to on-line alternatives. As such, town centre management and policy initiatives are

increasingly focusing their efforts on emphasising the distinctive nature of city centre leisure, especially as out of town leisure (such as casual dining in out of town retail parks) constitutes a major alternative to the city centre, in particular for night time leisure. Early evidence suggests that the expansion of the evening economy of town centres and high streets can offer employment opportunities, possibilities for new ventures and can contribute to high street vitality after hours..."

It is therefore considered that this application is actively supported by the NPPF and will comply with the aims and aspirations of the adopted local planning policy context. It will ensure the continued economic activity of the existing business at this site, that functions as an integral part of a vibrant and appropriate mixed-use commercial environment within Windmill Street which adds to the vitality and viability of the local area in general and which does not compromise the amenities of the wider area; whilst preserving the character and appearance of the adopted conservation area.

In the above circumstances, it is hoped that officers can support the proposed change of use. If you need any clarification of the proposal or require any further information, please do not hesitate to contact us.

Yours faithfully

Bidwells LLP

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