



Variation of Condition 3 Attached to Planning Permission ref: 15/0459/P

Unit 1, The Qube, 101-107 Tottenham Court Road, Fitzrovia, London, W1T 4TT

Migeca UK

Introduction

- 1.0 This statement has been prepared on behalf of our client Migeca UK, to support their proposal to vary Condition 03 of existing planning consent ref: 15/0459/P. The application is made under Section 73 of the Town and Country Planning Act 1990.
- 1.1 Planning consent was granted by Camden Council on 11th September 2015 for the 'Change of Use from retail A1 unit to A3 restaurant', of Unit 1, 101-107 Tottenham Court Road, London. Condition 03 of the consent states that:

“The use hereby permitted shall not be carried out outside the following times 07.00 to 20.00 (Monday to Friday), 08.00 to 20.00 (Saturday) and 08.00 to 18.00 (Sunday and Bank Holidays)”

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 DP12, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies”.

- 1.2 A Premises License in respect of the application site has been granted under ref: PREM-LIC\3722, which permits the sale of alcohol from 10.00 to 23.00, Monday to Sunday. This s73 application seeks to amend Condition 03 to extend the hours of use

of the restaurant until 23.00, in line with the associated alcohol license. It is proposed that Condition 03 be amended to read:

“The use hereby permitted shall not be carried out outside the following times 07.00 to 23.00 (Monday to Friday), 08.00 to 23.00 (Saturday) and 08.00 to 23.00 (Sunday and Bank Holidays)”

The Application Site

- 2.0 Unit 1, 101-107 Tottenham Court Road is at the corner of Tottenham Court Road and Maple Street, Fitzrovia. The unit is part of a mixed-use development known as The Qube, which was erected in 2007. Unit 1 occupies the corner with Maple Street, having a small frontage onto Tottenham Court Road and a long frontage onto Maple Street. The building has commercial office uses above and the building extends to some 6 storeys.
- 2.1 The premises are in A3 use and are currently occupied by a coffee and restaurant operator trading as “Ca’puccino”, a high end Italian café/restaurant business. Ca’puccino offers a mixed menu of coffee, pastries and a selection of prepared meals, which are predominantly Italian style sandwich based products such as Panini, but also offer a small selection of pasta dishes and salads.

The Proposal

- 3.0 Existing planning permission 15/0459/P is considered by our client to be overly restrictive, since it limits opening hours until 20.00 on Mondays to Saturdays and 18.00 on Sundays and Bank Holidays. In contrast, the Premises License permits the sale of alcohol on all days until 23.00. An extension to the approved opening hours

is required in order to align it with the premises license, by allowing the sale of alcohol as well as the sale of food, to continue until 23.00 each night.

- 3.1 In relation to neighbouring residential amenity, the existing use requires no external extraction equipment and therefore there are no noise issues in this respect. Furthermore there are no residential uses directly above the property and few residential occupiers in close proximity to the site. The proposed extended opening hours are therefore unlikely to result in any form of detrimental impact on residential amenity. It is also of note that no complaints have materialised in connection with the current use/occupier, which has been trading for more than a year from the site. It is also the case that the Licensing Committee would have taken amenity issues in this location seriously and have deemed the premises to be suitable to sell alcohol until 23.00 each day. On that basis there seems to be no logic in restricting the sale of food until the earlier time of 20.00.
- 3.2 There is a commercial reason for this application, which relates to the high rents that are charged in this location. Under the permitted hours, the operators of the restaurant lose 21 trading hours per week by having to close at 20.00. On these hours it is proving a challenge to make the restaurant as successful as it could be and on parity with others in the location, due to the unnecessarily restricted trading hours.
- 3.3 The proposal is considered to be compliant with planning policy and can be permitted without delay.