

Charlotte Street Association

39 Tottenham Street
London W1T 4RX
email: csafitzrovia@yahoo.co.uk

**Regeneration & Planning,
Development Management,**
London Borough of Camden,
Town Hall, Judd Street,
London WC1H 8ND.

12th January 2011

For the attention of Obote Hope, Planning Officer.

By email to: planning@camden.gov.uk

Dear Obote Hope,

Re: refs. 2016/6696/P: 74 Charlotte Street, W1T 4QH

Variation of: Condition No. 12 (hours of operation of Class A3 use); and
Condition No. 18 (hours of servicing from Charlotte Mews);
associated with application no. 2012/2133/P, allowed on appeal ref. APP/X5210/A/13/2193888
on 20.07.2013.

I am writing on behalf of the Charlotte Street Association.

We wish to object to aspects of the proposals to vary Conditions No. 12 and No. 18, for the reasons set out below.

Background:

We would like to make some general points first, before setting out our detailed objections to the proposed variations.

- (a). In their submission letter (01/12/2016), under "Site Description" the applicant describes the area as "*... predominantly commercial in character, particularly at ground floor level, and retail and restaurant uses are dominant. There is also a good mix of office and residential.*"

And later says ".... *that the application site is part of Charlotte Street which is a vibrant, active and highly commercial area*" etc.

Fitzrovia in general is a mixed use area with commercial and residential; although busy in the daytime much of Fitzrovia is relatively quiet in the evenings which is a good balance for residential. It needs to be emphasized that this (northern) part of Charlotte Street, north of Goodge, is not dominated by restaurants and is surprisingly quiet in the evenings. The part of Charlotte Street that is dominated by restaurants is the southern part of Charlotte Street (nos. 1 to 45) which is south of Goodge Street. By contrast, no. 74 is located in the quiet part of Charlotte Street, well north of Goodge Street.

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(b). The various issues including these conditions have previously been explored both in the original planning application 2012/2133/P (upon which our Association made representations) and the Planning Officer's Report (which clarifies the meanings of these Conditions) and in the subsequent Planning Appeal of 21/8/2013 (where we attended the Hearing & made representations). The applicant will be fully aware of the 2012 application and the 2013 appeal, to which they make reference to in their current application.

Residential Context:

(a). As will be seen from the enclosed Map, there is much residential use within the immediate area, including (new) residential flats above the restaurant.

We enclose our **Map Showing Buildings With Residential**.

The residential in Chenies Mews spans over both the north and south entrance of the Mews street and thus their rooms at the rear are particularly subject to noise in the Mews.

(b). This part of Charlotte Street has become even more residential including to the building at No. 74 itself, due to recent/current redevelopments:

- At No. 74: the current new redevelopment, with the new restaurant (Mere) at Ground & Basement levels, is creating residential flats above on all the upper floors including at the rear in the Mews;
- At No. 73-75 Charlotte Street (diagonally opposite, on corner with Tottenham Street), there is a newly completed block of flats, in place of previous non-residential.
- At No. 64 Charlotte Street (on other corner with Tottenham Street), residential flats are currently being created (where previously commercial use).

With regard to the reference of ground floor commercial (retail and offices), most (if not all) of this is not open in the evenings and usually not at weekends, unlike restaurants that are open in the evenings and at weekends.

Re: Condition no. 12:

The Condition currently states:

The Class A3 Use hereby permitted shall not take place other than between the following hours: Mondays to Saturdays 1000 to 0300 the following morning; and on Sundays, Bank and Public Holidays 1200 to midnight (being in addition to the period between midnight and 0030 that may fall within Sundays, Bank and Public Holidays, as provided for in general Mondays to Saturdays).

The applicant is proposing the following wording instead:

No customers shall be present on site outside of the following hours:

Mondays to Saturdays: 10:00 to 03:00; and Sundays, Bank and Public Holidays: 12:00 to midnight (being in addition to the period between midnight and 0030 that may fall within Sundays, Bank and Public Holidays, as provided for in general Mondays to Saturdays).

In order to protect the residential amenity, we wish to object to the proposed changes to this Condition, except that we might consider slightly earlier start hours for the staff, but no

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change to the terminal hours. Although the applicant has clarified that no customers will be present outside the agreed hours, we are concerned that staff will be on site outside those hours.

In their submission letter, the applicant says "... *It is not clear from the condition wording, or indeed the reason, whether the 'use' extends to all activities associated with the restaurant.*"

We would like to refer to the Officer's Report (for 2012/2133/P) which clarifies this Condition and makes entirely clear that the hours include both customers and staff & preparations. Para 6.6.9 of the Report says that "... *An informative is also recommended stating that this condition means that no customers shall be on the premises and no activities associated with the use (such as preparation and clearing up) are permitted outside these hours.*"

This Report was also part of Camden's submission at the Planning Appeal/Hearing, so that applicant should be fully aware of the intention and meaning of this Condition.

The hours and Condition in the Officer's Report are the same as in the Inspector's Appeal Decision.

The Bubbledogs restaurant at 70 Charlotte Street has a similar condition, which restricts the hours for A3 Use for similar hours.

Nonetheless, we would consider earlier start hours for the kitchen staff (in the Basement kitchen) of 9.00am Mondays to Saturdays, and 10.00am Sundays and Bank/Public Holidays; with activity of the Ground Floor commencing at 10am Monday to Saturday, and midday Sunday and Bank/Public Holiday - as in the applicant's covering letter.

But, we do object to the later proposed terminal hours for the staff – for residents, it is the inevitable noise and disturbance of clearing up and staff leaving later that is the problem.

Any revised/new conditions needs to clarify the hours for staff etc.

Re: Condition no. 18:

The Condition currently states:

Servicing from Charlotte Mews shall not take place outside the hours of:

0800 and 1800 Monday to Friday, and

0900 and 1300 on Saturdays,

*and shall **not** take place on Sundays, Bank and Public Holidays.*

The applicant is proposing the following wording instead:

Servicing from Charlotte Mews shall not take place outside the hours of:

07:00 and 18:00 Monday to Friday, and

07:00 and 13:00 on Saturdays,

*and shall **not** take place on Sundays, Bank and Public Holidays.*

We object to any changes to these servicing hours, because the proposed earlier start hours will be of disturbance to residents, especially as they are before 8.00am.

Although we appreciate the Licensing and Planning are different regimes (and that planning takes precedent), it should be said that the recent Licensing Hearing (3/1/2017) in fact confirmed the same hours for servicing as in the current planning condition.

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Re: Condition no. 18 - continued:

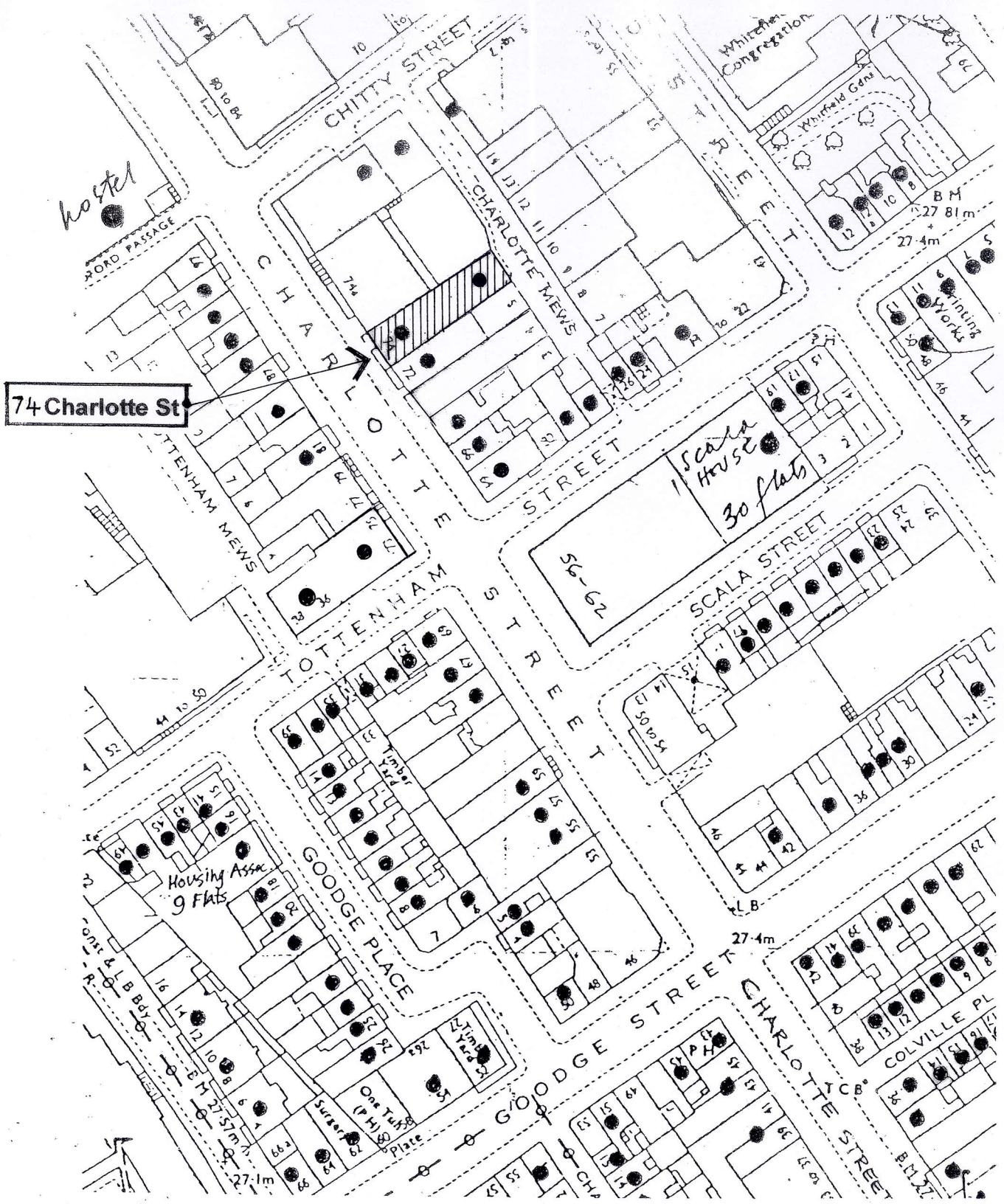
In their 1/12/2016 letter, the applicant says that this Condition does not refer to Charlotte Street frontage, and thus they could carry out servicing at the front at any time. But the Officer's report re. 2012/2133/P clarifies the reasons and clearly states (in para 6.8.8) that the service entrance for the restaurant will take place in the Mews - hence the Condition refers to Chenies Mews.

In the circumstances, perhaps there should be an addition to the Condition that no servicing should take place at the Charlotte Street frontage.

Yours sincerely,

Clive Henderson,
Committee Member,
Charlotte Street Association.

Copy: CSA Committee.



From: Charlotte Street Association

November 2016

MAP SHOWING BUILDINGS WITH RESIDENTIAL

**Re: Licensing Act 2003: Application for New Premises Licence:
 MERE, 74 Charlotte Street, W1T 4QH.**

Reference: APP\PREMISES-NEW\001745

● (back dot) = indicates each building with RESIDENTIAL;
 (in most instances, the buildings are divided into flats).