

RL/P6559
30 January 2017

Development Planning Services
London Borough of Camden
Town Hall
Argyle Street
London
WC1H 8ND

Dear Sirs

16 NEAL'S YARD, LONDON, WC2H

APPLICATION UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TO VARY CONDITION 3 (OPENING HOURS) OF PLANNING PERMISSION 2014/6696/P DATED 24/04/2015.

PLANNING PORTAL REF. PP-05767916

On behalf of our client and tenant at 16 Neal's Yard, The Barbary, we submit an application under s.73 of the Town and Country Planning Act 1990 (as amended) to vary the wording of Condition 3 of Planning Permission 2014/6696/P dated 24th April 2015.

This application has been submitted online via the Planning Portal along with the requisite application fee of £195 which has been paid via credit card.

Site Location and Existing Use

The site is located to the south eastern corner of the popular visitor and evening destination known as 'Neal's Yard' within the heart of Seven Dials. 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 a restaurant (Class A3) at basement and ground floors and office accommodation (Class B1) to the remaining upper floors. The adjacent premises either side of the application site is comprises further commercial uses across all floors of the building at 16A Neal's Yard, 17 Neal's Yard and 21-23 Shorts Gardens.

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'*.

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The application property is located within the London Plan's designated Central London Activity Zone (CAZ). The existing shop frontages within Neal's Yard are also designated as Secondary Retail Frontage within Camden's Planning Guidance (CPG5).

Relevant Planning History

Planning permission was granted on 24th April 2015 for a 'change of use of basement and ground floor from retail (class A1) to restaurant/cafe (class A3) with installation of new extract duct to rear elevation' (ref. 2014/6696/P).

Scheduled to planning permission 2014/6696/P, Condition 3 (opening hours) states;

"The use of the premises and the operation of the extract duct hereby permitted shall not be carried out outside the following times 08:00 to 22:30 Mondays to Saturdays and 9.30 to 22:00 on Sundays and Bank Holidays".

This application seeks to amend the above planning condition (Condition 3) to increase the restaurants operational period by one hour.

Proposed Variation of Condition

The existing restaurant use has been in operation at the premises, 16 Neal's Yard, for approximately one year and has received a number of positive reviews from both the visiting public and international critics; being described as one of London's key openings in 2016. Through-out this time, the client has worked with the surrounding commercial premises, local residents and landlord Shaftesbury PLC to ensure that their operations complement the surrounding area and limit any possible nuisance or problems. The client has confirmed that since opening, no complaints have been received and they have been welcomed by the local community.

The existing tenant, the Barbary, seeks an extension of time on Monday to Saturday only by 1 hour at the premises through the variation of Condition 3 to read as follows:

"The use of the premises and the operation of the extract duct hereby permitted shall not be carried out outside the following times 08:00 to 23:30 Mondays to Saturdays and 9.30 to 22:00 on Sundays and Bank Holidays".

The existing condition and hours of use currently restricts the commercial operation within the premises to shorter operating hours than those surrounding restaurant uses. Service at the restaurant currently has to terminate at 22:00 to ensure all customers have left the premises and the kitchen's extract is turned off. The client has confirmed that this causes commercial constraints, with numerous comments from customers stating that the restrictive hours effectively rules the premises out as an 'after-theatre destination'. This, in comparison to a number of alternative commercial operators in Neal's Yard and the surrounding streets, puts the premises at a disadvantage while other competing restaurants are able to attract post-theatre crowd due to later or unrestrictive trading hours.

By extending the existing premises operational hours by one hour, it will allow the client to sit guests down until 22:30 hours; with all customers then being escorted off the premises by 23:30 hours. The extension of operation by one hour will assist the commercial viability of the small premises which is restricted to only 24 covers.

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It is carefully considered that the proposed extension of the restaurant's operation by 1 hour will not impact on the local community and the restaurant and will continue to operate in a responsible manner, as per Shaftesbury PLC's strict 'Estate Regulations' for local operators.

Planning Consideration

The proposal is considered to be in accordance with and supportive of Local Plan Policy and additional planning guidance as outlined below.

The restaurant is located within the heart of the 'Theatreland' and adjoining evening destinations of Covent Garden and Soho. The Local Plan designates the property as being within the Central London Activity Area (CAZ) and Central London Area of 'Covent Garden'.

Local Development Management Plan Policy DP12 (Supporting strong centres and managing the impact of food, drink and entertainment) states that 'the Council will ensure that the development of shopping, services, food, drink, entertainment and other town centre uses do not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours'.

Having consideration to Policy DP12, the proposal recognises the Central London location and the important role food, drink and entertainment uses can add to the vitality and vibrancy of Camden's town centres. The existing use is, and will continue to be, responsibly managed and ensure all measures are undertaken to protect local residential amenity. All measures are carefully co-ordinated with surrounding commercial operators and Landlord Shaftesbury PLC under their strict Estate Regulations. The proposal for the restaurant to operate for an additional hour (shutting before 23.30) will ensure the existing restaurant continues to protect and support the character and function of Seven Dials.

Camden Planning Guidance CPG5 (Town Centres, Retail and Employment) recognises Covent Garden (including Seven Dials) as a 'well known shopping and entertainment destination and a major attractor of tourists' which is identified within the London Plan as 'a strategic cluster of night time activity of international importance'. The Council further recognises that while 'food, drink and entertainment uses can contribute to the vibrancy and vitality of town centres, they can also have harmful effects, such as noise and disturbance to residents, litter, anti-social behaviour, parking and traffic impacts. The level of impact depends on the type of the use, its location, its size and the character and nature of its surroundings'.

CPG5 guidance further recognises that 'ambient noise levels reduce around midnight, and consequently residential amenity can be badly harmed by amplified music, plant and machinery and on-street activity that continues late at night. In some instances, depending on the location, character of the area, the nature of the proposed use and its likely impact on amenity, earlier closing times may be more appropriate. Generally, earlier closing times will be more appropriate in neighbourhood centres and residential areas than in town centres and other commercial areas'.

Having regard to CPG5 and its acknowledgement of the restaurant's location in the heart of Central London, the important evening economy and popular theatre uses, it is considered that the extension of time by one hour would not cause undue harm to the amenity of residents in the local area. All customers will have vacated the premises by 23:30 between Monday to Saturday. This would remain in accordance with CPG5 which acknowledges ambient noises levels reduce in the local area around midnight. CPG5 also notes that generally, earlier closing times are appropriate in smaller

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neighbourhood centres or residential area. The premises is not located in a residential area or small neighbourhood centre and therefore is an appropriate location for 'later' hours of operation.

As previously stated, there are a large number of existing restaurant uses in the local area which benefit from either late-night or unrestricted hours of use. The client seeks to operate on par with those existing establishments and offer a competitive service for customers after the theatre. This would enable the small restaurant to attract additional evening covers and ensure the business is commercially viable moving forward.

It is confirmed that there will be no audible or loud music from the premises. The client confirms that there has been no records of complaints of noise disturbance associated with the restaurant use and in particular, no records of nuisance beyond midnight for the Yard.

It is also confirmed that the premises does not have any existing tables or chairs, as such would not lead to customers being served externally into the evening. All customers will be internal and be carefully managed by restaurant staff to ensure customers enter and exit the premises in a quiet and respectful manner.

Summary

The client seeks the variation of Condition 3 (opening hours) scheduled to planning permission 2014/6696/P to extend the existing restaurant's operational hours of use by 1 hour to '08:00 to 23:30 Mondays to Saturdays'.

It is also noted to the Council the large number of surrounding food and entertainment uses which are currently operating unrestricted or up to midnight which benefits from evening customers. It is the client's ambition to simply operate the existing smaller restaurant (24 covers only) in a similar manner which can attract evening theatre goers.

The proposed hours are deemed to be appropriate given the restaurant is within Central London, in an area which benefits from an established evening economy and has a significant amount of existing food, drink and entertainment uses which is well served by public transport into the evening and beyond midnight. This would be in accordance with CPG 8 and the wider policy objectives of the Local Development Plan.

We trust the information submitted as part of this application is sufficient to validate the application and we look forward to a swift and positive outcome. However, should you have any further queries or require additional information, please don't hesitate to contact the undersigned.

Yours faithfully



For and on behalf of
Rolfe Judd Planning Limited