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Date: 13/12/2018

Head of Planning  
London Borough of Camden  
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c/o Town Hall, Judd Street  
London WC1H 9JE

Dear Sir/Madam

**Proposed change of use from Restaurant (CLASS A3) to a Restaurant (Class A3) or Bar (Class A4) to create a dual use permission (Class V, Part 3 of Schedule 2 of the General Permitted Development (England) Order (2015) refers) at 14-16 Camden High Street, London, NW1 0JH**

We enclose an application for full planning permission for the proposed change of use of the above property, along with the requisite fee for £462.00.

**The application site and local context**

The application site is located on the east side of Camden High Street, in Camden, in very close proximity to Mornington Crescent Station. The local area is characterised by a lively, mixed-use, commercial urban centre, which contains a wide variety of uses. These include shops, restaurants, cafés, betting offices, hot food take-aways, hairdressers and barbers, beautician's parlour, offices and some residential units. The local area functions as a service centre for the local catchment resident population and is characterised as a lively and vibrant area, both during the day and at night, with the expected associated activity and ambient noise levels.

The premises themselves comprise a vacant restaurant within the basement and ground floors of the property. The application premises have been vacant for 2 months, since the previous restaurant operator ceased to trade.

The property is not a listed building but does lie within the Camden Town Conservation Area.

The site benefits from excellent public transport accessibility, with a Transport for London PTAL (Public Transport Accessibility Level) rating of 6b. The location is served by all public transport modes, including Euston Rail Station, Mornington Crescent Underground Station.

**The proposals**

The applicant wishes to bring this vacant unit back into beneficial use, that will provide a local commercial leisure use for the local resident population, create direct and indirect employment, and bring the site back into beneficial economic use.

The applicant proposes that the property could continue to be used as a restaurant but is also appropriately located to be operated as a bar. This will attract a wider audience for marketing purposes and should ensure that a new operator is secured without delay.

Indeed, as you may be aware the pub industry is currently experiencing a boom, whilst the restaurant trade is suffering from widespread closures. The applicant is keen to secure an operator at the earliest opportunity and offering the site to a wider market should realise that aim.

The proposed layout is indicated within the accompanying application plans, but effectively no changes are proposed to the current layout at this stage. There is already extraction equipment on site that can serve the retained restaurant use or small-scale food production associated with a bar use.

The site benefits from use of an existing waste store and no change is envisaged to the waste pick up arrangements.

The proposed use could employ up to 5 full-time and 10 part-time staff. Approving this planning application would therefore help secure employment at the site, to the direct benefit of the staff and the wider benefit of the local economy generally.

Within the local context of the site, together with the proposed site management arrangements, the proposed use of the premises will not result in any material detrimental impacts upon the amenities of local residents or the area in general. The floor area of the application premises is also modest, with only 338 square metres of accommodation. The hours of trading are intended to be covered by the associated Premises Licence, which will provide Camden Council with full control (and continual review) of the trading hours and operational conditions for the proposed use. There is no need for the same Council as LPA to seek to replicate these controls.

### **Relevant planning policy**

The planning application relates to activities taking place at a central commercial leisure facility. This will result in a noticeable enhancement of the leisure operation, to the benefit of the local economy and the local community. The enhancement of the central commercial activity is sustainable by definition. At the heart of the National Planning Policy Framework (NPPF) is a strong presumption in favour of sustainable development. Indeed, NPPF strongly supports the proposed development, in particular paragraphs 7, 38, 47, 54, 55 and 80.

The National Planning Practice Guidance (NPPG) advises that Local Planning Authorities should plan positively, to support town centres to generate local employment and promote beneficial competition within town centres.

Policy C4 of the Camden Local Plan (2017) states that the Council will support the provision of new public houses in appropriate sites in growth areas, other highly accessible locations and town centres.

### **Relevant planning history**

The planning history of this site does not include any past applications of direct relevance to the application proposals. The use of the site as a restaurant, whilst currently vacant, has existing for c50 years or more and so is very well established. There have been no known incidents or issues with the use.

## **The Licensing Regime**

In addition to the controls of planning legislation, the Council will have full control over the detailed management regime for the proposed use, through their exercise of the licencing legislation. This will provide the Council with continuing control and review of the proposed use, over and above the role of the Council as LPA. Once the premises licence is approved, it is just the start of the licensing process. The Licensing Authority will retain full control over the activities taking place at the site. Any breach of the licensing objectives or the conditions imposed on the premises licence is subject to immediate recourse through their powers to revoke, suspend or amend the premises licence at any time.

In short, a premises licence, unlike a planning permission, is subject to constant monitoring and potential review in order to ensure that no public nuisance occurs. Therefore, as Licensing Authority, Camden Council has the power to cease the proposed use at any time, if required to do so. These powers exist above and beyond those of the Council as LPA.

The licensing system can also control the specific concept of the proposed use through the requirement for an operating schedule that forms part of the premises licence process. Therefore, as part of the licensing system, the operator will need to closely detail all of the proposed elements of the proposed use and how this is to be managed to ensure that it operates within the agreed remit. Consequently, the controls of the Licensing Authority over the nature and type of the proposed use are far greater and much more detailed than the controls of the LPA. The licensing system is therefore a far more responsive and regulatory tool than the planning system, and any sustained or serious objection can be tackled by way of a review of the licence. The review is a perfectly sensible alternative statutory remedy which has been specifically provided by the Licensing Act 2003 to ensure that licensed premises are properly regulated and that the concept that is approved by the Licensing Authority remains the concept that is actually implemented on site.

There is no reason for the LPA to seek to replicate the controls of the Licensing Authority, which is better placed to fully assess the amenity implications of the proposed use and who has far more flexible and responsive recourse options to address any amenity objections that may subsequently arise. The requirement for a premises licence for this proposed use to operate is a material planning consideration and should form part of the overall assessment of the planning merits of this proposal. The Environmental Health Unit of the Council as well as the local Police will be also involved in the premises licence process and will need to be satisfied that the premises licence can be approved. The granting of planning permission would therefore just be the start of the control process by Camden Council.

## **Assessment of the proposal**

Allowing the proposed use would diversify and enhance the use of the application site for the wider benefit of the local area and would bring a vacant site back into appropriate and beneficial use. The proposed use would add to local economic viability, to the benefit of the economic activity, employment and service provision of this site and the wider Camden High Street area. The proposed use of the application site would enhance the character, function, vitality and viability of the local centre and would have an active and permeable street frontage and encourage and attract pedestrian activity throughout the daytime and evening.

The vibrancy and vitality of the local area and the vitality and viability of this local centre would be enhanced, whilst the diversity of the local economy would be improved. The proposal would provide a public amenity that would bring direct benefits to those living and working in the local area through enhanced leisure provision and enhanced employment opportunities.

The creation of strong, vibrant and healthy communities and supporting a community's health and social well-being is all part of the aspiration of the NPPF to achieve sustainable communities.

Local employment opportunities would be enhanced and unused premises brought back into beneficial economic use to provide enhanced facilities. The importance of leisure and entertainment facilities in supporting and sustaining the role of urban centres is specifically recognised in the NPPF, NPPG and relevant local planning policy.

The prime measure of the vitality of any town centre is the number of people attracted to it at different times of the day and evening. The vibrancy, vitality and viability of this local centre would consequently be enhanced, supplemented and strengthened by the proposed commercial leisure use.

The July 2014 study – High Street Performance & Evolution – by the University of Southampton and its subsequent updates produced evidence to suggest that the 'leisure aspect' of shopping trips, including places for entertainment and leisure, 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 considered that the proposed leisure facility would provide an alternative but entirely complementary use at this location and will improve the character, function and vitality of the area, with enhanced local employment opportunities and the consequential wider economic benefits to the local area that would result. The local area is also characterised as a busy, mixed-use, area with a range of commercial uses.

Appropriate arrangements would be put in place for the handling and management of waste and recycling material together with the servicing of the proposed use.

Taking all of the above into account, it is considered that the clear advice of the NPPF should be followed in this case. LPAs should operate to encourage and not act as an impediment to sustainable growth and investment in business should not be over-burdened by the combined requirements of planning policy expectations. It is therefore considered that the use of the application site for the proposed commercial leisure facility would achieve the aspirations for economic development and employment creation that are contained within the NPPF.

Leisure and entertainment facilities have a vital role in enhancing and sustaining the vitality and viability of urban centres. It is therefore considered that this application is actively supported by the NPPF and will comply with the wider aims and aspirations of the adopted local planning policy context.

The proposals would ensure the return of economic activity at the site and the enhancement of the function and character of the local centre.

**Class V of Part 3 of Schedule 2 of the General Permitted Development (England) Order (2015)**

The application proposes either the continued use of the existing restaurant (Class A3) use or the introduction of a bar (Class A4) use. This will result in a dual use permission. As officers will be aware, Class V of Part 3 of Schedule 2 of the General Permitted Development (England) Order (2015) allows a switch between the approved uses within a 10-year period from the grant of planning permission. This will effectively secure reversion to the existing authorised restaurant use if a bar use is first commenced following the grant of planning permission.

In all of the above circumstances, it is hoped that officers can support the proposed change of use to a dual 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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