

Application No: 2020/0635/P
Consultees Name: Michael Patchett-Joyce
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Comment: OBJ
Response: Application No.: 2020/0635/P

20 Heath Street, London. NW3 6TE

This letter relates to the above planning application for change of use from A1 to A3 so that the premises might be used as a restaurant and art gallery.

The problem with this application is that the proposed hours of operation are far too long.

Section 19 of the Application states that the proposed hours of opening would be 07.30-23.00, 7 days a week including bank holidays. Paragraph 43(5) of the Planning Statement submitted by the site owner's agent includes, as a Suggested Condition, that "The restaurant shall not open other than during the following hours 0800-2300".

It is assumed that the Planning Statement supercedes the Application but, even so, the proposed opening hours are plainly excessive.

The current opening hours at 20 Heath Street (as advertised at the premises) are:

Mon-Fri	10:30am-6.00pm
Sat, Sun	12 noon-5.00pm

Thus, at present, the premises are open during reduced business hours and are never open before mid-morning or after early evening.

There are two existing restaurants within close proximity: The Horseshoe and 28 Church Row. The hours of operation of those restaurants are understood to be as follows:

The Horseshoe - hours of operation (web source)

Mon–Thu	12:00–15:30; 18:00–22:00
Fri, Sat	18:00–22:30
Sat	12:00–16:00
Sun	12:00–20:00

28 Church Row – hours of operation (as advertised outside the restaurant)

Mon-Fri	5pm-11.00pm
Saturday	12 noon-11:00 pm
Sunday	12 noon-10:30 pm

It can immediately be seen that the hours of operation of both those restaurants are substantially shorter than the opening hours sought under the present Planning Application.

In particular,

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- (1) Neither the Horseshoe nor 28 Church Row is open for breakfast;
- (2) The Horseshoe is open for lunch and for dinner Mon-Thurs, but is not open continuously on those days, being closed from mid-afternoon to early-evening;
- (3) The Horseshoe is open only in the evening on Friday;
- (4) Saturday is the only day on which the Horseshoe is open beyond 22.00 (being open until 22.30 on Saturdays) and, though open for both lunch and dinner on Saturdays, is closed for 2 hours between the end of lunch and opening for dinner;
- (5) Only on Sunday is the Horseshoe open continuously from opening until closing, but it closes much earlier than on other evenings, at 20.00
- (6) 28 Church Row is open for dinner only on Mon-Fri evenings.
- (7) 28 Church Row is open continuously only on Saturdays and Sundays but on each day it only opens at 12 noon.

The Horseshoe is a gastropub, whereas 28 Church Row is a restaurant. The proposal is for 20 Heath Street to be an art gallery/restaurant. The better market comparator is, therefore, 28 Church Row. Using 28 Church Row as a comparator, it is clear that, if the application is successful, it should be conditional on 20 Heath Street being open as a dinner-only restaurant on Mondays-Fridays. If it is open for lunch and dinner at weekends, its opening hours should be no greater than those of 28 Church Row.

In terms of geographic location and impact on the community, the better comparator is the Horseshoe, both premises being located close to each other on Heath Street. The end of the hours of operation should be no later than those to which the Horseshoe is subject. Thus, any successful operation should be conditional on the hours of operation of 20 Heath Street ending at 10.00pm on Mondays-Thursdays, with an extra ½ hour of operation on Fridays and Saturdays and an earlier end to its hours of operation at 8.00pm on Sundays.

Hampstead is already fully catered for with coffee shops. There is no need for another one. It must be assumed, therefore, that 20 Heath Street intends to offer something other than coffee and croissants if it is open for breakfast. What that might be is anyone's guess. It must be very doubtful whether there is any call for an establishment serving a full cooked breakfast in Hampstead.

One wider concern is the combined nature of the application; i.e., as a restaurant and art gallery. There may be a temptation to place emphasis on the "art gallery" element of that combination to support a claim to conventional business hours of operation and on the "restaurant" element of the combination to support a claim to extended evening hours of operation. Such an approach gives rise to the excessive opening hours sought and would be plainly inappropriate.

I am neutral regarding the proposed change from A1 to A3 use, but if the application is granted, it should be subject to strict conditions as to hours of operation.