

MR/P08241  
9<sup>th</sup> November 2021

London Borough of Camden  
Planning Department  
Town Hall  
Judd Street  
London  
WC1H 9JE

Dear Sir/Madam

**36-38 West Street, London, WC2H 9NB**

**Full planning application for the dual/alternative use of the ground and basement floors at 36-38 West Street for either continued use as a public house, wine bar, or drinking establishments (sui-generis); as a drinking establishment with expanded food provision (sui-generis) or as a restaurant (Class E(b))**

**Planning Portal Reference: PP-10330533**

On behalf of our client, Shaftesbury Covent Garden Ltd, please find enclosed an application for planning permission for the dual/alternative use of the basement and ground floor of 36-38 West Street for either continued use as public house / drinking establishment (Sui Generis) or a restaurant (Class E) as previously approved under planning permission dated 21<sup>st</sup> February 2012 (reference 2011/1704/P)

In order to assist in the determination of the application please find enclosed the following information which has been submitted electronically via the Planning Portal:

- Application Form;
- Site Location Plan – *prepared by Fresson & Tee Architects*;
  - A-001-P1
- Existing and Proposed Plans – *prepared by Fresson & Tee Architects*;
  - A-100-P1
  - A-200-P1
- Community Infrastructure Levy (CIL) Forms.

The requisite application fee of £462.00 has also been paid via the Planning Portal.

### **Site Location**

The Site (36-38 West Street) is located on the northern side of West Street and is immediately adjacent to 142 Shaftesbury Avenue (currently occupied by BrewDog). The site comprises a building with basement, ground plus three upper floors. At basement and ground floor level, the building has

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been 'knocked through' to form part of the existing public house use at 142 Shaftesbury Avenue and provide additional floorspace to improve the function and layout of the pub. The first, second and third floors of the property comprise of residential use.

The property is not listed but is within the Seven Dials (Covent Garden) Conservation Area. The Conservation Area appraisal does not identify the building as making a positive contribution to the area.

The site is within the Central Activities Zone (CAZ) and therefore the surrounding area is characterised by a wide variety of uses comprising retail, restaurants, public houses, and theatre uses on the ground floors and residential and offices on the upper floors.

For clarity, this application relates solely to the use of the ground and basement restaurant of 36-38 West Street and does not include any external alterations.

### **Planning History**

The site (including 142 Shaftesbury Avenue) was granted permission (reference 2011/1704/P) on 21<sup>st</sup> February 2012 for the:

*Change of use from residential unit ancillary to public house (Class A4 and offices (Class B1) to provide 3 x 2 bed and 4 x studio units (Class C3) at 2nd and 3rd floor levels of 142 Shaftesbury Avenue and 1st, 2nd and 3rd floor levels of 36-38 West Street, change of use from offices (Class B1) to either restaurant (Class A3) or public house (Class A4) use at ground floor and basement levels of 36-38 West Street, including external alterations to shop front and basement and ground floor rear extension at 36-38 West Street.*  
*Drawing Nos: Site Location Plan; 19992-01; -02; 03; 04; 05; -06; -10; -11; -12; -13; 19992-P01/J; P02/J; -03/J; 04/J; -05/J rev A; -06/J; -P10 rev A; -11 rev A; 19992-P12 rev B; 19992-P13 rev A; Lifetime homes Assessment; 19992; Ecohomes assessment 3289 2 august 2011.*

Subsequently, permission was granted on the 4<sup>th</sup> February 2013 (reference 2013/0298/P) for:

*Amendments (involving alterations to the shopfront on West Street elevation) to planning permission (ref:2011/1704/P) granted 21/02/2012 for change of use from residential unit ancillary to public house (Class A4 and offices (Class B1) to provide 3 x 2 bed and 4 x studio units (Class C3) at 2nd and 3rd floor levels of 142 Shaftesbury Avenue and 1st, 2nd and 3rd floor levels of 36-38 West Street, change of use from offices (Class B1) to either restaurant (Class A3) or public house (Class A4) use at ground floor and basement levels of 36-38 West Street, including external alterations to shop front and basement and ground floor rear extension at 36-38 West Street.*

The above permissions (reference 2011/1704/P and 2013/0298/P) were fully implemented, with the site at 36-38 operating as a pub (Sui Generis) in addition to the use at 142 Shaftesbury Avenue. However, the site has a flexible/dual use which allows it to change between restaurant (now Class E) and public house (Sui Generis). This application seeks to renew these lawful uses for a further period of 10 years to ensure maximum commercial flexibility in the future.

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### **The Proposal**

The applicant seeks permission for the dual/alternative use of the ground and basement floors at 36-38 West Street for either continued use as a public house, wine bar, or drinking establishments (sui-generis); as a drinking establishment with expanded food provision (sui-generis) or as a restaurant (Class E(b)).

The proposed flexible use retains the opportunity for the ground floor to be either an extension of the pub (Sui Generis) use at 142 Shaftesbury Avenue, or in the future should it be required, to operate as a standalone restaurant.

In accordance with Shaftesbury's policy to ensure maximum flexibility in the management and use of its property assets, this proposal is therefore seeking to renew the previous planning permission to permit the continued flexibility provided by the existing dual use, enabling a permitted change between Class E (restaurant) and pub (Sui Generis) use and vice-versa as circumstances dictate over the next 10 years.

Please refer to the submitted proposed plans for further details.

### **Planning Considerations**

The ground and basement floors of 142 Shaftesbury Avenue and 36-38 West Street have been operating a lawful public house (Sui Generis) use since the implementation of the previous permission granted on 4<sup>th</sup> February 2013 (reference 2013/0298/P), with the floorspace at 36-38 West Street providing additional seating for the pub.

As part of the 2013 permission (reference 2013/0298/P), the site at 36-38 West Street also benefits from a dual/flexible use which would allow a change to a restaurant (Class E) use. Camden's Town Centres and Retail CPG (2021) states that food, drink and pub uses are an important mix of the offer of Camden's centres and contribute to their vibrancy and vitality, whilst noting that the uses can have impacts such as noise, crime and anti-social behaviour. It should be considered that the proposal seeks consent to renew an existing permission for entertainment use which has operated successfully in the area for the last 10 years.

Policy TC4 (Town centre uses) of the Local Plan (2017) states that the Council will ensure that the development of shopping, services, food, drink entertainment and other town centre uses does not cause harm to the character, function, vitality and viability of a centre, local area or amenity of neighbours.

The existing dual/flexible use for a restaurant/public house are suitably controlled by Conditions 3, 4 and 5 of the aforementioned permission (reference 2013/0298/P) which apply restrictions to the hours of opening and levels of music and ensure that residential windows on the rear elevation are fixed shut. This suitably controls the adverse amenity affects that could be caused by both the public house (Sui Generis) and restaurant (Class E) use. Such conditions can be re-provided on a new grant of planning permission for the continued flexible use if required.

Policy HC7 (Protecting public houses) of the London Plan (2021) states that Local Planning Authorities should protect public house with heritage, cultural, economic or social value. Development of associated accommodation or facilities within the curtilage of a public house that

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would compromise the operation of viability of the public house should be resisted.

The public house at 142 Shaftesbury Avenue was in operation for many years before the permission was granted in 2013 (reference 2013/0298/P) to allow its extension into 36-38 West Street, which proves it can viably operate without the extended floorspace and therefore the proposal would not compromise the existing the pub use. The extended pub floorspace at 36-38 West Street has no heritage, cultural, economic, or social significance of its own and the proposed dual/alternative use would ensure that a pub use at the ground floors of 36-38 West Street could continue, whilst allowing maximum flexibility for this to operate as an extension of the public house (Sui Generis) use or as a restaurant use (Class E) associated with the public house. The proposal is therefore fully in accordance with Policy HC7.

In providing for a continued alternative permitted use, this application allows for a greater degree of flexibility in the future letting of the premises, allowing for a standalone public house (Sui Generis) use as per the existing situation across the ground and basement floorplate, or a restaurant use (Class E) at 36-38 West Street. The renewal of the dual/alternative consent will assist with the continued provision of a mixed-use environment to sustain the area's attractiveness to the market. The renewal of this permission will therefore ensure that Shaftesbury can respond quickly to future tenant demands and market conditions.

### **Summary**

It is considered that the proposal for an ongoing dual/alternative use would assist Shaftesbury with its provision of an optimal mix of uses in the area. Both uses provided for have a complementary and positive impact on the character, function and vitality of the area. Each alternative use is consistent with and supported by the Council's policies. The application will allow a degree of flexibility in the future management of the premises by our client with the continued flexibility necessary to respond to changing market demands.

We trust you have sufficient information to validate and determine this application, however, should you require any further information or would like to arrange a site visit, please do not hesitate to contact the undersigned.

Yours faithfully

*Mark Rattue*

For and on behalf of  
Rolfe Judd Planning Limited