

Unit 11, Regent Court, Leamington Spa (W13/1339)

Please find below our response to Councillor Weber's questions regarding the operation of Turtle Bay. In planning terms, this application should be assessed on the planning merits of a change of use from Class A1 to Class A3. Many of the points below relate to the specifics of one particular operator, much of which would be controlled through the licencing process. These have been provided in good faith; however, the application is not a personal permission for the occupier but rather associated with the change of use to the land.

The applicant has provided an indicative drawing showing the coverage of the ground floor layout for diners. The indicative layout shows an area for standing customers, for example, those standing while waiting for friends, whilst waiting to dine and general circulation. Such an area also prevents queuing occupying external to the unit.

The application refers to a "dedicated outside area" in the licencing pack. This was provided an example to show the type of operation run by the tenant. At a recent public meeting, the tenant committed to not providing outdoor seating to acknowledge residents' concerns about amenity.

The Councillor has made reference to the extension of hours planning application. The tenant originally applied for this extension of hours to cater for diners after theatre performances. However, this has now been withdrawn and is therefore not for consideration as part of the change of use application. The proposed A3 use seeks to operate until 11:30pm in accordance with the existing planning permission.

The applicant has included a University of Cambridge study relating to antisocial behaviour and late-night opening in response to concerns raised by residents. The article shows that extension of late night licencing around the country has not led to an increase in anti-social behaviour. In this case, the proposed use will only be open to 11:30pm.

Councillor Weber has questioned whether the Leamington Spa restaurant will be offering 2 for 1 cocktails as they do in all their other Turtle Bay restaurants. The example licencing package sets out the Turtle Bay's "responsible drinking policy." Like all operators Turtle Bay at times need a range of offers for guests including lunch dishes, special menus etc . Whichever ones are implemented will all be subject to Turtle Bay's full management control. It is worth noting that if 2 for 1 cocktail offers (based on a limited range of quality cocktails with premium pricing) are in place, each cocktail will be priced at £3.45, approximately equivalent to a gin-and-tonic or bottle of beer. In addition, Turtle Bay only has one draught lager, as opposed to many other operators who offer a wider range of draught lagers. This further illustrates that Turtle Bay operates as a restaurant with an ancillary bar (Class A3 use).

Within the restaurant a minimum of 75% of the public trading area will be set to tables and chairs. The remaining 25% will be dedicated to guests waiting for others to join them, pre-dinner and apres diner drinks. The guests can also have a coffee, snack, or indeed use the space to work on laptops. Evidence from Turtle Bay show approximately 78% of sales is driven by a substantial food offering, whilst only 15- 18% of guests have a drink only, often as pre-dinner or apres dinner (at an alternative eating establishment).

Turtle Bay have explained in their example licencing pack that maximum table sizes of eight at the weekends will be allowed, so as not to encourage large parties (on average comprising 6-8 people) or stag/hen parties. Larger tables will be allowed during the week at quieter times.

GL Hearn
17th December 2013