

Minutes

Covent Garden Community Association

Planning Sub-Committee meeting held on Monday, 14 August 2017
at 6:30 p.m. at the Hospital Club, 24 Endell Street WC2H 9HQ

www.CoventGarden.org.uk  TheCGCA  @TheCGCA

1. Attendance

- 1.1 Present:** Elizabeth Bax (chair), Selwyn Hardy, Christina Smith, Brian Tiernan, Jo Weir, Meredith Whitten
- 1.2 Apologies received:** David Bieda, Jane French, Shirley Gray, Gary Hayes, Richard Hills, Rhu Weir
- 1.3 Comments received:** Shirley Gray, Gary Hayes, Rhu Weir

2. Presentations: None scheduled

3. Planning Applications & Appeals

	Address & Application No.	Proposal	Comments
CAMDEN APPLICATIONS			
3.1	Unit 3 Centre Point Link 101-103 New Oxford Street WC1A 1DD 2017/3358/P & 2017/3381/L <i>Mixed/Taster Food UK Limited; Gerald Eve (agent)</i>	New plant equipment housing unit and opening in roof of the eastern extension of Centre Point Link at second floor level.	<p>The Council observes that plant and mechanical equipment is a main source of noise and vibration in the borough (see CPG6 4.3). Equipment such as extract ducts, fans and flues can disturb the amenity and quality of life of residents and workers through noise and vibration, odour, and visual impact of the building and the area, particularly a conservation area (see CS5.8; DP28, including DP28.1 & 28.3; DP22.18; and CPG5 6.7-6.9; 6.21). This includes cumulative impacts (CPG6 4.7).</p> <p>To protect the amenity of nearby residents and neighbouring properties (CS5) and to ensure that the equipment does not cause undue noise, disturbance and odour, any permission granted must include conditions that:</p> <p>(1) restrict the amount of noise (measured in decibels) emitted from the units to within Camden's thresholds (DP28; CPG5 6.9);</p> <p>(2) require the applicant to ensure that equipment is kept working efficiently and is not causing disturbance to nearby residents, as verified through annual maintenance checks performed on all equipment throughout the life of the development (DP28.3);</p> <p>(3) specify that failure to conduct annual maintenance checks and failure to maintain all equipment to levels specified in planning permission is a breach of planning regulations and voids planning permission granted;</p> <p>(4) limit the hours of use to business hours of the premises, to reduce the impact of noise and vibration on residential amenity during evening, late-night and weekend hours (CS5, CS7, DP12, DP26, DP28); and</p>

			<p>(5) require automatic time clocks to be fitted to the equipment approved, prior to commencement of the use of the units, to ensure that the plant/equipment does not operate at any time other than that permitted. The timer equipment shall thereafter be permanently retained and maintained and retained in accordance with the manufacturer's recommendations (CS5, DP12, 26 & 28).</p> <p>(6) Further, prior to first use of the plant equipment, the equipment shall be fitted with in-duct attenuators for the kitchen ecology unit and the two supply air handling units. A sound absorbent lining must also be provided within the plant well. These mitigation measures are recommended in the applicant's "plant noise feasibility assessment," dated 25 July 2017 (see section 7, p. 14).</p> <p>Comments by 17-08-17</p> <p>No photo</p> <p>Documents: https://goo.gl/N3RCA8</p> <p>Note: On 26-06-16 agenda. CGCA had no objection.</p>
3.2	<p>60 Great Queen Street WC2B 5AZ 2017/4281/L Freemasons Hall/<i>Heritage Places (agent)</i></p>	<p>Internal alterations at upper-ground floor level to create enlarged meeting room and associated reception area, including demolition of two non-loadbearing partition walls, removal of a section of fibrous plaster ceiling, formation of a new door opening and reinstatement of a door within an original opening, formation of two high-level openings for services ductwork within masonry walls in proposed kitchen area, and other minor changes to services, joinery and floor finishes.</p>	<p>No objection</p> <p>Comments by 21-08-17</p> <p>Photo: https://goo.gl/FpJpS9</p> <p>Documents: https://goo.gl/VFEMZa</p> <p>Note: Grade II* listed building</p>
3.3	<p>2nd Floor 41 Shelton Street WC2H 9HG 2017/3932/P B1/<i>CBRE (agent)</i></p>	<p>Installation of 2x additional condensing units and repositioning of 1x condensing unit.</p>	<p>To protect the amenity of nearby residents (CS5) and to ensure that the units do not cause undue noise and disturbance, any permission granted must include conditions that:</p> <p>(1) limit the hours of use to business hours of the premises, to reduce the impact of noise and vibration on residential amenity during evening, late-night and weekend hours (DP28.3) (for precedent, see 2015/5316/P, condition 4; 2016/0131/P, condition 4; and 2016/2471/P, condition 5);</p> <p>(2) restrict the amount of noise (measured in decibels) emitted from the units to within Camden's thresholds (DP28; CPG5 6.9);</p> <p>(3) require the applicant to ensure that equipment is kept working efficiently and is not</p>

			<p>causing disturbance to nearby residents, as verified through annual maintenance checks performed on all equipment throughout the life of the development (DP28.3);</p> <p>(4) specify that failure to conduct annual maintenance checks and failure to maintain all equipment to levels specified in planning permission is a breach of planning regulations and voids planning permission granted; and</p> <p>(5) require automatic time clocks to be fitted to the equipment approved, prior to commencement of the use of the units, to ensure that the plant/equipment does not operate at any time other than that permitted. The timer equipment shall thereafter be permanently retained and maintained and retained in accordance with the manufacturer's recommendations. (Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and DP26 and DP28.) (For precedent, see 2015/5148/P, condition 4, & 2014/6130/P, condition 3.)</p> <p>Comments by 30-08-17</p> <p>Photo: https://goo.gl/BxyJAe</p> <p>Documents: https://goo.gl/HmJ6WR</p>
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WESTMINSTER APPLICATIONS

3.4	<p>7-9 Kingsway WC2B 6XF 17/06471/FULL B1/One 55 Fenchurch & Sweat It Kingsway Ltd.; JLL (agent)</p>	<p>Use of the basement floor as a gym (Class D2).</p>	<p>The CGCA has no objection to the proposed use as a gym, but we would object to other D2 uses, notably cinema, dance hall or music hall and, thus, this permission should be specific to the applicant and limited to use as a gym.</p> <p>The entrance to the proposed gym would be in Kean Street, which is a quiet road with many residents. Thus, conditions should be included that limit the hours of use of the gym to 06.00 to 21.00 Monday to Friday and 08.00 to 20.00 on Saturdays, Sundays and Bank Holidays.</p> <p>Also, a condition should also be included that specifies that no sound emanating from the use shall be audible in neighbouring properties.</p> <p>Finally, a condition should be included that specifies that windows and doors should not be left open so as to allow music and other noise to be audible from the road and in neighbouring flats.</p> <p>Provided these conditions are included, the CGCA has no objection.</p> <p>See 16/01072/FULL (23 Kingsway) for precedent.</p> <p>Comments by 22-08-17</p> <p>Photo: https://goo.gl/aUivas</p> <p>Documents: https://goo.gl/eprKH8</p>
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3.5	3-7 Neal Street WC2H 9PU 17/06214/FULL <i>A1/Supergroup PLC; SKK Design Ltd. (agent)</i>	Replacement shopfront (Linked to 17/06215/LBC).	<p>The applicant is using signage that appears to be internally illuminated, as shown in the attached photo (see the illuminated “UP” on the fascia).</p> <p>The CGCA objects to the use of internal illumination, as this method of illumination is inappropriate and unsympathetic in a conservation area, and conflicts with Westminster planning policy (see “Shopfronts, Blinds & Signs” SPG; “Advertisement Design Guidelines” SPG; and DES8). DES8-10.98 states that “Shop signs should be at fascia level and be externally illuminated. Internally illuminated box fascias and projecting signs are not normally appropriate in conservation areas.”</p> <p>Additionally, national guidance, as set forth in the Department of Communities & Local Government’s “Outdoor advertisements and signs: a guide for advertisers,” clearly states that Class 4 (illuminated advertisements) “does not extend to any premises in a Conservation” (p. 17).</p> <p>Comments by 25-08-17 Photo: https://goo.gl/kHBc5b Documents: https://goo.gl/Mz5WiS Note: Grade II listed building</p>
3.6	372 Strand WC2R 0JJ 17/06766/FULL <i>Strand Palace Hotel/DP9 (agent)</i>	Removal of existing roof-top plant and demolition of roof-level structures and installation of series of air-conditioning units at roof and associated works.	<p>To protect the amenity of nearby residents from noise and vibration (S29 & S32) and to ensure that the units do not cause undue noise and disturbance, any permission granted must include conditions that:</p> <p>(1) restrict the amount of noise (measured in decibels) emitted from the units to within Westminster’s thresholds (S32; ENV6; ENV7);</p> <p>(2) require the applicant to ensure that equipment is kept working efficiently and is not causing disturbance to nearby residents, as verified through annual maintenance checks performed on all equipment throughout the life of the development (S32; ENV6); and</p> <p>(3) specify that failure to conduct annual maintenance checks and failure to maintain all equipment to levels specified in planning permission is a breach of planning regulations and voids planning permission granted (ENV6).</p> <p>Comments by 30-08-17 Photo: https://goo.gl/wLdCdZ Documents: https://goo.gl/pAAAn96</p>

4. Tables and Chairs

CAMDEN APPLICATIONS			
4.1	40 Monmouth Street WC2H 9EP 2017/4337/TC	2 tables, 4 chairs and 4 barriers	(1) The applicant consistently does not comply with the existing or proposed layout. As shown in the attached photos, the applicant is not placing both tables flush with the shopfront, as indicated on the drawings. Instead, one table and two chairs are positioned further out in

	Two Brewers/ <i>Spirit Pub Company (Services) Limited; TLT Solicitors (agent)</i>		<p>the public highway. Staff serves customers seated at this table and chairs by going outside the barriers. The applicant has been doing this for several years (see CGCA's past comments).</p> <p>(2) Further exacerbating the impact on pedestrians, the applicant has recently installed a shelf to the shopfront (see photo) to allow vertical drinkers to rest their drink. The position of the shelf makes it impossible for the tables and chairs to be laid out as shown in the layout (see drawing 2486-03 Rev. B). It also makes it impossible for staff to serve the tables without going outside the barriers and the permitted area, further obstructing the public highway.</p> <p>(3) Finally, the applicant continues to allow vertical drinkers to stand outside the barriers. Indeed, there is little to no room within the barriers for both seated customers and vertical drinkers, particularly with the tables and chairs placed in a configuration other than that which is approved. This then pushes vertical drinkers outside the barriers, where they block the whole width of the pavement, forcing pedestrians to walk in Monmouth Street, which has a consistently high volume of vehicular traffic from Seven Dials through to Upper St. Martin's Lane. This has been an ongoing problem for years and the council has refused permission in the recent past due to the applicant's excessive use of the public highway (see 2012/0030/TC).</p> <p>(4) Whilst the CGCA does not object to the use of two tables, four chairs and four barriers, this is only if the applicant adheres to the proposed (and currently permitted) layout and removes the drinking shelf.</p> <p>(5) A condition should be included that specifies no outside drinking should be permitted except for patrons seated at T&CH. If the applicant cannot adhere to this, then the application should be refused.</p> <p>Comments by 28-08-17 Photos: https://goo.gl/5BWec2 & https://goo.gl/vauUNk Documents: https://goo.gl/51adVH Note: Renewal. No change in use or hours: M-SU 11:00-21:00. On 09-08-16 agenda.</p>
4.2	190 Shaftesbury Avenue WC2H 8JL 2017/4504/TC The Diner/ <i>Winston Barker; Keystone Law (agent)</i>	Eight tables and 16 chairs	<p>The CGCA continues to object to the two tables and four chairs positioned on the corner of Shaftesbury Avenue and Neal Street (to the far right in the applicant's proposed plan). These chairs and table obstruct the pavement for pedestrians turning onto or from Neal Street. As shown in the attached photo, customers typically move these chairs into a position not shown on the approved layout. In past applications, the applicant proposed benches that were anchored to the ground.</p> <p>The CGCA also continues to point out that the existing and proposed hours do not comply with Camden's policy regarding tables and chairs. This policy clearly states that hours must be limited to Monday to Sunday, 08:00-21:00, given that this location is not a "predominantly commercial street in the Central London Area" as defined in the guidance. (See Appendix 2 of Camden's "Tables & Chairs Guidance.")</p> <p>Comments by 05-09-17 Photo: https://goo.gl/VzX2jW Documents: https://goo.gl/2t3jd9 Note: Renewal. No change in use or hours: M-SA 09:00-23:00; SU 09:00-21:00. On 12-09-16 agenda (2016/4788/TC).</p>
WESTMINSTER APPLICATIONS			
4.3	372 Strand WC2R 0JJ 17/06466/TCH	Use of an area of the public highway measuring 1.0m x	No objection Comments by 22-08-17

	Strand Palace Hotel	5.6m for the placing of 2 tables and 4 chairs.	<p>Photo: https://goo.gl/DPTKEi</p> <p>Documents: https://goo.gl/TTqjo6</p> <p>Note: Renewal. No proposed hours listed. Current hours: M-SU 07:00-18:30. On 01-04-16 agenda (originally 2T & 6CH). Proposal was revised from six chairs to four, as CGCA recommended.</p>
4.4	55 Long Acre WC2E 9JL 17/03147/TCH Amorino/H2C Gelati LTD.; The Yorkshire Maintenance Co (Hull) Ltd. (agent)	Use of an area of the public highway for placing four tables and eight chairs in an area measuring 7m x 1m.	<p>(1) Although the applicant has revised the proposals, the CGCA continues to object to the excessive amount of street furniture proposed. The Council has never permitted this amount of street furniture at this location. The previous tenant (Starbucks) had permission for three tables, six chairs and six barriers in Hanover Place, which is the maximum amount of street furniture that can safely and reasonably fit in this area.</p> <p>However, given the reasons listed below, the CGCA objects to the use of any amount of street furniture by the applicant. Hanover Place is a quiet, narrow passageway with residents located on upper floors. The passageway is used by local residents to avoid the more congested Long Acre.</p> <p>Whilst street furniture has been permitted in this location in the past, the use was a coffee shop, whose customers quietly sat at the tables with their coffees and did not have an impact on residential amenity, particularly in the evening and at night.</p> <p>(2) The current applicant, however, has proven unable to manage the long, loud extensive queues that form nightly. Local residents have counted up to 40 people waiting at one time. After getting their food, patrons congregate outside, including in the area proposed for tables and chairs, and cause great noise and disturbance for residents, including those in Hanover Place and residents in Odhams Walk, directly across Long Acre, where residents' noise-sensitive windows face the applicant's shop. (The CGCA notes that the Odhams Walk Residents Association, which represents 102 flats, has objected to the proposals.)</p> <p>Local residents have complained to the CGCA that, because of noise and disturbance coming from the applicant's business late at night, children who live adjacent to the shop are unable to get to sleep early.</p> <p>(3) Customers also have caused excessive rubbish in the public highway, causing a public health concern.</p> <p>(4) In addition to the noise and disturbance, the street furniture and the number of customers waiting outside impede access through Hanover Place. A wheelchair would be unable to pass.</p> <p>(5) Westminster's Guidelines for the placing of tables and chairs on the highway SPG clearly states that "we will always require sufficient space on the pavement to allow pedestrians, wheel chair users, disabled people, the elderly and those with prams and buggies to pass along safely and easily" (p. 12).</p> <p>Further, this SPG says, "We will look at the effect your application will have on the local community, especially how the noise from your operation will affect local residents."</p> <p>(6) The Westminster Way Public Realm Strategy SPG states: "Clearances need to take into account highway and disability concerns and the space needed to use seating, tables etc. The minimum pedestrian clear zone should be 2m, but in some busy places it may need to be much more (para. 46, p. 24-25)."</p> <p>(Note that previous applications for this location are listed as 55-56 Long Acre; see 08/04859/TCH through 14/00355/TCH.)</p> <p>Comments by 25-08-17</p> <p>Photo: https://goo.gl/6nujou</p>

			<p>Documents: https://goo.gl/mniwsf</p> <p>Note: New application. Proposed hours: M-SA 11:00-23:00. No proposed hours for SU. On 12-06-17 agenda (6T, 12CH and 3 barriers).</p>
4.5	<p>10-11 Great Newport Street WC2H 7JA 17/06623/TCH PF Changs/Zebra Projects (agent)</p>	<p>Use of an area of the public highway measuring 1.4m x 4m for placing of 4 tables and 8 chairs.</p>	<p>(1) The CGCA objects to the proposed amount of street furniture. As the attached photos show, there is not adequate space on the public highway for four tables and eight chairs. A more appropriate amount is two tables and four chairs, placed flush with the shopfront.</p> <p>According to the Westminster Way public realm strategy" SPG, clearances must require sufficient space on the pavement to allow pedestrians, wheelchair users, disabled people, the elderly and those with prams and buggies to pass along safely and easily, as well as take into account highway concerns and the space needed to use seating and tables, as well as not result in an impediment to street cleaning and rubbish collection. All equipment, displays, barriers and plants, menus etc., must be contained within the defined area that is effectively highway for the time being given up from pedestrian circulation.</p> <p>The photo shows that four tables, with two tables placed side by side, would not leave sufficient room for pedestrians, including those in wheelchairs and with prams, to pass. Further space would be consumed by staff serving the customers.</p> <p>The CGCA points out that Great Newport Street is a very busy, popular road, with Leicester Square station at one end, and the road located between Covent Garden and Leicester Square.</p> <p>(2) The CGCA strongly objects to the proposed hours, which include an ending time of 01:00 on Saturdays. Although the restaurant is located in the vicinity of Leicester Square, the CGCA notes that this is still Covent Garden, which is a residential area, and many residents live adjacent to the restaurant. Thus, to protect their amenity, as well as the character of the conservation area, the hours should be limited to Westminster's core hours.</p> <p>Comments by 30-08-17</p> <p>Photos: https://goo.gl/4UGECF & https://goo.gl/SVS9bK</p> <p>Documents: https://goo.gl/x7GRYU</p> <p>Note: New application. Proposed hours: M-F 08:00-23:00; SA 08:00-01:00; SU 08:00-23:00.</p>
4.6	<p>1 Upper St Martin's Lane WC2H 9NY 17/06593/TCH Scarlet's/Scarlet's; Bidwells (agent)</p>	<p>Use of the public highway for the placing of three tables and 10 chairs in an area measuring 1.6m x 4.6m on the Great Newport Street frontage; two tables and four chairs; and three tables, six chairs and five barriers in an area measuring 1.85m x 9.3m on the Upper St Martin's Lane frontage.</p>	<p>The CGCA strongly objects to these proposals.</p> <p>(1) The applicant received permission on 10 July 2017 for three tables and six chairs in the Upper St. Martin's Lane elevation (see 17/04233/FULL, drawing 42/10/01; 1936-002). This configuration was the result of officer advice to reduce the size of the proposed area on the Upper St Martin's Lane frontage to 1.19m x 4.76m. According to the officer's report, this was advised to allow for a safe clearance at the pedestrian crossing.</p> <p>As the CGCA noted in the previous application, the proposed tables and chairs are located in a high-traffic area where footways are very crowded. In particular, large crowds of pedestrians queue at the traffic light directly in front of the applicant's property, which is located at one of the busiest junctions in Covent Garden, where five roads meet. As such, the tables and chairs, as well as the vertical drinkers that gather around the street furniture, cause an obstruction on the public highway for the large number of pedestrians going between Covent Garden and Leicester Square and station. As a result, the 2m minimum clear width is not available for pedestrians to pass safely and pedestrians are regularly seen walking in the road because of a lack of space on the pavement.</p> <p>The current proposals would result in five tables and 10 chairs in Upper</p>

			<p>St. Martin's Lane, including positioning two tables and four chairs precisely where the applicant removed them in last month's application. Nothing has changed in the past month to reverse the Council's decision. Permitting this current application would increase the obstruction on the public highway; it would reduce the clearance available for pedestrians, and particularly prams and wheelchairs, to safely pass. This can result in a health and safety issue if, in particular, pedestrians are forced to walk in the road at this junction with constant vehicular traffic.</p> <p>(2) Further, no proposed hours are listed. Hours should not be permitted past those currently allowed (Monday through Sunday, 11:00-23:00). Comments by 04-09-17</p> <p>Photos: https://goo.gl/q0srXH, https://goo.gl/kpFO1s & https://goo.gl/zMRLof</p> <p>Documents: https://goo.gl/zM8RFo</p> <p>Note: Renewal. Change in use. Current use: six tables and 16 chairs with plain canvas barriers. No proposed hours listed. Current hours: M-SU 11:00-23:00. Grade II listed building. On 12-06-17 agenda (17/04233/FULL).</p>
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5. Other business

Comments submitted since last meeting.

5.1	13-16 James Street WC2E 8JR 17/05352/FULL A1/Gerald Eve (agent)	Replacement of the existing shopfront and associated works at No. 13.	No objection Comments by 07-08-17 Documents: https://goo.gl/MvbYGG
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5.2 Christina Smith brought up the issue of the use of the public highway for vertical drinkers at the Crown public house in Neal Street, as well as concerns about the public realm at the junction of Neal Street and Shaftesbury Avenue. Both issues were referred to CGCA's Exec Committee.

6. Next meetings & future presentations

- 6.1 28 August 2017 (Bank Holiday – will be an e-meeting)
- 6.2 11 September 2017 – Mercers scheduled to present
- 6.3 25 September 2017