

## Minutes

### Covent Garden Community Association

Planning Sub-Committee e-meeting 22 August 2016

www.CoventGarden.org.uk



TheCGCA



@TheCGCA

#### 1. Attendance

1.1 **Comments received:** Elizabeth Bax, Shirley Gray, Selwyn Hardy, Gary Hayes, Rhu Weir

1.2 **Apologies received:** Richard Hills

#### 2. Presentation: N/A

#### 3. Planning Applications & Appeals

	Address & Application No.	Proposal	Comments
<b>CAMDEN APPLICATIONS</b>			
3.1	193-197 High Holborn WC1V 7BD 2016/4151/A Burger & Lobster (A3)/ <i>Burger &amp; Lobster Restaurant Group</i> ; <i>Design LSM (agent)</i>	Wall-mounted projecting sign and two metal signs in stone niches.	No objection Comments by 30-08-16 Photo: <a href="https://goo.gl/52TFwZ">https://goo.gl/52TFwZ</a> Documents: <a href="http://goo.gl/0QvU23">http://goo.gl/0QvU23</a> Note: Grade II listed building. We had the listed building application for these advertisements on our last agenda. We had no objection.
3.2	59 St Giles High Street WC2H 8LH 2016/4218/L A1, A3, C3/Consolidated Development Ltd.; Icen Projects Ltd. (agent)	Excavation of a trench in the basement for the intallation of UKPN cables.	No objection, provided the Council is satisfied that the works will not impact on the historic fabric of the property and no archaeological work is required for this listed-building application. Comments by 30-08-16 Photo: See Heritage Statement Documents: <a href="http://goo.gl/cR2zvO">http://goo.gl/cR2zvO</a> Note: Grade II listed building.
3.3	48 Neal Street WC2H 9PA 2016/4333/P <i>C3/Rolfe Judd (agent)</i>	Conversion from existing maisonette (Class C3) to 2x1 bed and 1x2 bed self-contained units (Class C3); replacement of existing roof extension at fourth floor level; erection of second floor level rear extension to replace existing conservatory; and other external alterations.	No objection, provided the Council is satisfied that neighbouring residential properties will not be affected by the replacement of the roof extension at the fourth-floor level or by the replaced conservatory at the rear second-floor level. Comments by 01-09-16 Photo: <a href="https://goo.gl/wwif96">https://goo.gl/wwif96</a> Documents: <a href="http://goo.gl/5Enkv7">http://goo.gl/5Enkv7</a> Note: Originally the upper floors comprised three flats, but the flats were converted into a single family dwelling with subsequent approved roof modifications and a second-floor rear conservatory. The proposal will provide 2x 1 bedroom units at first and second floor level and 1x 2 bedroom duplex unit over third and fourth floor level. All three flats exceed the GLA's minimum space requirements. External alterations in association with the

			<p>proposal include the construction of a traditional masonry extension with pitched roof to replace the existing conservatory at second-floor level. The proposed replacement is of a similar size but would be of a much higher standard of quality and be of materials to match the host building and those found in the Conservation Area.</p> <p>It is also proposed to tidy-up the existing roof-level terrace which detracts from the historic character of the building. The proposal includes the replacement of the existing safety railings and the replacement of the timber trellis screen with hedge planters. Further external alterations include the installation of 3x new timber windows to match existing, a replacement timber entrance door fronting Shorts Gardens' elevation and new air bricks (as required to meet building regulations).</p>
3.4	<p>2 (East) Neal's Yard WC2H 9DP 2016/4377/P <i>A5/Shaftesbury; Rolfe Judd (agent)</i></p>	<p>Change of use of the ground floor from hot food takeaway (Class A5) to retail (Class A1) use.</p>	<p>No objection Comments by 06-09-16 Photo: <a href="https://goo.gl/wbphY5">https://goo.gl/wbphY5</a> Documents: <a href="http://goo.gl/T2Eeli">http://goo.gl/T2Eeli</a> Note: This application is linked with the application at the adjoining premises, 2 (West) Neal's Yard, to allow a 'use swap' of the existing uses via a formal legal agreement. No exterior alterations are proposed.</p>
3.5	<p>2 (West) Neal's Yard WC2H 9DP 2016/4378/P <i>A1/Shaftesbury; Rolfe Judd (agent)</i></p>	<p>Change of use of the ground floor from retail (Class A1) to hot food takeaway (Class A5) use.</p>	<p>No objection, provided the Council is satisfied that no adjacent residents would be harmed by the change of use, as A5 use can cause more noise and disturbance and for more extended hours than A1 use does. Comments by 06-09-16 Photo: <a href="https://goo.gl/wqVKeH">https://goo.gl/wqVKeH</a> Documents: <a href="http://goo.gl/IDmFfm">http://goo.gl/IDmFfm</a> Note: See 3.5.</p>
<b>WESTMINSTER APPLICATIONS</b>			
3.6	<p>5 Upper St Martin's Lane WC2H 9EA 16/06938/FULL <i>Starbucks (A1)/Pegasus Group (agent)</i></p>	<p>Use of the ground floor as a mixed use of class A1 and class A3 (retail/food and drink).</p>	<p>Objection. In addition to supporting Westminster's environmental health officer's objection due to the application not including the required discharge extract ventilation system, the CGCA objects to the change of use for additional reasons, namely impact on local amenity and particularly for residents of the adjoining residential block, Sandringham flats, which are directly next to this site, with some flats looking directly onto the applicant's shop. As such, a change of</p>

		<p>use will significantly harm the amenity of residents who live in what is currently a quiet part of the West End Stress Area.</p> <p>These CGCA notes that the courtyards at Sandringham flats are a special area of tranquillity (~40-50dB's) and is the reason why the bedrooms are located on this side, away from the extreme noise of Charing Cross Road (~85-120dB's).</p> <p>Westminster planning policy S29 clearly states that the Council will refuse applications that result in an unacceptable material loss of residential amenity. ENV9.63 recognises that restaurants are a main source of noise in Westminster. Further, ENV 9.71 says that the Council gives high priority to protecting residential amenity and will not tolerate noise disturbance.</p> <p>In granting permission for extending the operating and serving hours for the existing A1 use (15/05804/FULL), the officer noted that the key issue was the impact on the amenity of neighbouring residents, who strongly objected to the proposals. Since the Council granted permission, residents have complained about early-morning and late-night noise resulting from the extended operating hours and presence of outdoor customers, which disturbs the relative tranquillity of West Street (the applicant's shopfront is on West Street; access on Upper St. Martin's Lane is for the 16-storey office building), polluting the surrounding residential courtyards with noise and smells.</p> <p>Additionally, the applicant has increased the use of tables and chairs on the pavement and, thus, noise and disturbance has increased. Permitting A3 use essentially permits the applicant to operate an al-fresco restaurant mere metres from windows of residences.</p> <p>The collection of waste and the frequent deliveries with the compressors and cooling plants fueled by the delivery vehicle engines vibrating throughout nearby buildings amplify throughout the area as they are exceedingly loud.</p> <p>Permitting A3 use will compound this noise and disturbance, as more increasing the intensity of use of frequent servicing and deliveries will be necessary. Residents are already bombarded with noise and disturbance from servicing and deliveries for this coffee shop and for other restaurants in the area, including on</p>
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			<p>Sundays.</p> <p>Additionally, odours from cooking will be introduced. Given the proximity of residential windows, this conflicts with the Council's policies on odours and air pollution (see ENV5).</p> <p>Finally, another A3 use is not needed in this part of the CAZ, particularly in an area that has historically and continues to be predominantly residential in nature.</p> <p>Ultimately, the impacts that A3 use has on residential amenity differs from that of A1. The changes at this location over the past year should be considered in their entirety, as collectively they have a significant, negative impact on local residents and the conservation area in general.</p> <p>Regarding changes of use within a conservation area, DES9 states, "Permission will only be granted for development, involving a material change of use, which would serve either to preserve or enhance the character and appearance of the conservation area, bearing in mind the detailed viability of the development." These proposals fail to meet this standard.</p> <p>Comments by 02-09-16  Photo: <a href="https://goo.gl/vvG1ae">https://goo.gl/vvG1ae</a>  Documents: <a href="http://goo.gl/Zd6UDd">http://goo.gl/Zd6UDd</a>  Note: Currently, this location is A1, but the applicant is requesting A1/A3 use. WCC's environmental health officer objects because the application does not include any information specifying how the applicant will use a high-level discharge extract ventilation system, which is required by WCC for A3 use.</p>
3.7	5-6 Henrietta Street WC2E 8PS 15/03600/FULL A3/B1/ReAssure Limited c/o Aberdeen Asset Management PLC; CBRE (agent)	Use of part basement, part ground and second to fourth floor levels as three residential dwellings (Class C3). Installation of terraces at rear first floor level and balconies at rear second to fourth floor levels. Installation of mechanical plant within an enclosure at rear first floor level. Associated internal alterations. (Amended description of development removing first floor residential from application proposals).	Whilst the CGCA has no objection to the change of use to C3, we want to ensure that the proposed roof alterations and rear terraces will not have an impact on existing residential amenity. <p>Whilst amenity space can add significantly to residents' quality of life, particularly in a densely developed area such as Covent Garden, this must be balanced with the impact on neighbours. This is recognised by the Council in S29 and ENV13. In the reasoned justification for S29, the Council specifies that, "It is therefore vital that exceptional attention is paid to protecting existing residential amenity" (p. 121).</p> <p>Many residential units exist in Henrietta Street, Maiden Lane and Southampton</p>

		<p>Street that share the same rear-facing perspective as the applicant's property, notably residences directly across the courtyard. The Council must be satisfied that introducing additional terraces will not cause noise or disturbance to existing flats.</p> <p>Regarding the proposed plant, the applicant's acoustic report says "It is unlikely quieter units are available and so noise attenuation measures are expected to be required. Acoustic packages are available, which secure directly onto the condensing units, and are usually capable of reducing the noise emitted to the level stipulated above. Alternatively, a single acoustic enclosure could be installed to cover all heat rejection units" (p. 22).</p> <p>The applicant says mitigation measures are required, but is not specific in saying what those mitigation efforts will be.</p> <p>Westminster's City Plan observes that noise should not affect individuals' right to a quiet environment and peaceful enjoyment of their property. Plant equipment generates noise that can be intrusive and disturbing to local residents (see ENV7 para 9.111; also see S29, S32, ENV6 &amp; ENV7).</p> <p>To ensure that the equipment does not cause undue nuisance and disturbance to nearby residential properties, 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, 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 (ENV6(8));</p> <p>(3) require the applicant to submit the results of annual maintenance checks to the Council; and</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.</p> <p>Prior to first use of the plant equipment, the equipment shall be fitted with noise attenuation measures required by the</p>
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			<p>Council to address the noise impacts identified by the applicant's acoustic report. All such measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations. This is necessary to safeguard the amenities of the adjoining premises and the area generally in accordance with S29, S32 ENV6 and ENV7.</p> <p>Comments by 05-09-16  Photo: <a href="https://goo.gl/mnTCQq">https://goo.gl/mnTCQq</a>  Documents: <a href="http://goo.gl/TGWiq1">http://goo.gl/TGWiq1</a>  Note: Grade II listed building.</p> <p>Proposals would convert the upper storeys to residential use (four 3-bedroom flats). The A3/A4 at ground and basement will remain. A separate residential entrance at the ground floor will be added. Acoustic report suggests mitigation measures.</p>
3.8	<p>45 Great Queen Street WC2B 5AA  16/07092/FULL  A3/Moti Mahal Ltd.; KIMA Architecture (agent)</p>	<p>Shopfront replacement and associated works.</p>	<p>No objection  Comments by 05-09-16  Photo: See D&amp;A statement  Documents: <a href="http://goo.gl/F9CBO7">http://goo.gl/F9CBO7</a>  Note: No change of use – will remain A3. Proposals include adding branded awnings. Applicant states that they plan to apply for T&amp;CH separately.</p>
3.9	<p>119 Long Acre WC2E 9PB  16/07332/FULL  Levi's (formerly Ben Sherman) /Levi Strauss Ltd.; Silver Birch Design Ltd. (agent)</p>	<p>Replacement shop front (Linked with 16/07333/ADV).</p>	<p>According to DES5(C), shopfront alterations should relate satisfactorily to the design of the rest of the building and should not displace locally distinctive or characteristic shopfronts ("Shopfronts, Blinds &amp; Signs" SPG section 7). This is particularly critical in conservation areas (see DES5 10.116).</p> <p>The loss of the timber-framed window and the replacement with a large, pane-less window and door are out of keeping with the existing character and design of the building and its shopfront (DES5 and "Shopfronts, Blinds &amp; Signs" SPG). The proposed shopfront would fail to preserve and enhance the character of the conservation area (DES5 10.116).</p> <p>Comments by 07-09-16  Photo: <a href="https://goo.gl/I7Avep">https://goo.gl/I7Avep</a>  Documents: <a href="http://goo.gl/EVzRqH">http://goo.gl/EVzRqH</a>  Note: The primary change is the installation of a full-glaze window and removal of the timber-framed window. The proposals also call for replacing the glazed brick tile finish with a new stucco</p>

			finish pattern to match the neighbouring building.
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#### 4. Tables and Chairs

CAMDEN APPLICATIONS			
None			
WESTMINSTER APPLICATIONS			
4.1	30 Henrietta Street WC2E 8NA 16/07481/TCH Bella Italia (A3)/ <i>Casual Dining Services Ltd.; BLP (agent)</i>	Use of an area of public highway measuring 1.9m x 0.9m for the placing of one table and two chairs and two planters.	No objection, provided the Council continues to include a condition that specifies no additional street furniture, including tree planters, is to be placed on the public highway by the applicant. (See condition 6 of 15/06397/TCH.) Comments by 06-09-16 Photo: Documents: <a href="http://goo.gl/xXlyx8">http://goo.gl/xXlyx8</a> Note: Renewal. No change in use or hours (M-SU 08:00-23:00). On 24-08-15 agenda. CGCA's comments: No objection, provided no additional street furniture, including tree planters, is placed on the public highway by the applicant. Westminster added a condition that specifies that only approved T&CH can be used (no other furniture, screening or equipment). CGCA should repeat comments from last year.
4.2	9 Russell Street WC2B 5HZ 16/07225/TCH Belushi's/ <i>TLT LLP (agent)</i>	Use of an area of public highway measuring 3.2 metres by 0.7 metres for the placing of 2 tables and 4 chairs.	The CGCA objects to tables and chairs at this exceptionally busy location next to the Piazza. This site experiences consistently heavy footfall throughout the day and evening. Although the configuration may leave the required 2m minimum, the CGCA points out that Westminster's policy clearly states that 2m is a minimum and where footways are very crowded the Council's policy is for the clear zone to be much wider (see "Westminster Way public realm strategy" SPG, para 46, p. 25; also see "Guidelines for the placing of tables and chairs on the highway" SPG). Further, the "Pedestrian Comfort Guidance for London," published by the GLA, recommends total footway widths for different levels of pedestrian flow. For high-flow areas (greater than 1,200 people per hour), the recommended width is 5.3m; for active flow areas (600 to 1,200 people per hour), the recommended width is 4.2m. As such, tables and chairs is inappropriate for this location and they present a health and safety concern, as pedestrians are regularly seen walking in the road, where a constant stream of taxis are coming, going and turning around where Russell Street ends in front of the site. This is exacerbated by the large number of vertical drinkers who stand on the pavement in front of the tables and chairs, often blocking the entire pavement. Further, customers sit with their legs extended into the

			<p>public highway, not under the tables and chairs, and this creates an additional obstacle and further minimises the space available on the public highway.</p> <p>Should the Council be minded to grant permission, the hours must not extend earlier or later than the current hours (M-SU 10:00-22:00). This is to protect the amenity of residents directly above the site.</p> <p>The Council should also continue to include an informative specifying that applicant should write to all neighbouring residents providing a contact name and phone number for them to use should problems arise from use of external T&amp;CH (see informative 4 of 15/06415/TCH).</p> <p>Comments by 06-09-16</p> <p>Photo: <a href="https://goo.gl/hY4kDf">https://goo.gl/hY4kDf</a></p> <p>Documents: <a href="http://goo.gl/ifehlL">http://goo.gl/ifehlL</a></p> <p>Note: Renewal. No change in use. No hours listed. Current hours: M-SU 10:00-22:00.</p> <p>On 24-08-15 agenda. CGCA's comments:</p> <p>Objection: This site is located adjacent to the Piazza and experiences consistently heavy footfall throughout the day and evening. As illustrated in the attached photos, the pavement is already crowded, leaving no room for any tables and chairs. The area also includes many residents, including adjacent and above this location, who have complained about noise and disturbance, and thus the CGCA is also concerned about the impact on residential amenity.</p> <p>Officer's report says that more than 2.5m clearance is allowed, which makes the proposals acceptable. M-SU 10:00-22:00. However, Westminster added an informative that specifies that applicant should write to all neighbouring residents providing a contact name and phone number for them to use should problems arise from use of external T&amp;CH.</p>
4.3	<p>4 Garrick Street WC2E 9BH 16/07220/TCH Steak &amp; Co./ATFC Ltd.; Ian Belsham Associates (agent)</p>	<p>Use of the public highway to place 4 tables, 8 chairs and a freestanding menu board in 2 areas measuring 5.1 x 0.8m and 6.3 x 0.8m.</p>	<p>The CGCA disagrees with the officer's report from the previous application (15/04440/TCH) that Garrick Street does not have particularly high pedestrian flow. Garrick Street is a primary conduit between Leicester Square (and station) and Covent Garden, including the wildly popular Piazza. As such, there is consistently high footfall on Garrick Street. At times, pedestrians are forced to walk in the road due to the heavy pedestrian traffic and the impediments on the pavement.</p> <p>In the past, the applicant has proposed to use A-boards at this site, which would further contribute to the obstacles that pedestrians are forced to navigate along the public highway. The CGCA notes that Westminster has repeatedly refused permission for A-boards, including as recently as 2014, and in 2015 included a condition that specified that no furniture other than tables and chairs is permitted (see condition 6). Should the Council opt to permit the tables and chairs in this latest application, that informative prohibiting additional street furniture must be included</p>

			<p>in the decision notice.</p> <p>Comments by 06-09-16</p> <p>Photo:</p> <p>Documents: <a href="http://goo.gl/2Mth0x">http://goo.gl/2Mth0x</a></p> <p>Note: Renewal. M-SU 08:00-23:00.</p> <p>On 22-06-15 agenda. CGCA's comments:</p> <p>Objection. The CGCA objects to the use of tables and chairs at this location because the public highway is not wide enough to accommodate both the high volume of pedestrian flow and the use of tables and chairs. The "Pedestrian Comfort Guidance for London," published by the GLA, recommends total footway widths for different levels of pedestrian flow. For high-flow areas (greater than 1,200 people per hour), the recommended width is 5.3m; for active flow areas (600 to 1,200 people per hour), the recommended width is 4.2m. The CGCA strongly objects to the use of any A-boards at this site, as proposed in the application, particularly in addition to any tables and chairs use. We note that Westminster has repeatedly refused permission for A-boards, including as recently as last year. Because of the A-boards' size and location, they would contribute to visual clutter and harm the appearance (amenity) of the area. They would also fail to maintain or improve (preserve or enhance) the character and appearance of the CG conservation area.</p> <p>Officer's report says that Garrick Street is not considered to have exceptionally high pedestrian flows. Also, the pavement is 2.2m.</p> <p>Most other businesses along this side of Garrick Street have T&amp;CH and we have not objected to those. CGCA should repeat comments about A-boards.</p>
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**5. Other business**

**6. Next meetings & future presentations**

6.1 12 September 2016

6.2 26 September 2016