

Minutes

Covent Garden Community Association

Planning Sub-Committee meeting held on Monday, 27 November 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), Shirley Gray, David Kaner, Jo Weir, Meredith Whitten

1.2 **Apologies received:** Jane French, Selwyn Hardy, Gary Hayes, Brian Tienan, Rhu Weir

1.3 **Comments received:** Selwyn Hardy; Gary Hayes, Rhu Weir

2. **Presentations:** Icenii re: 135-149 Shaftesbury Avenue (6:30 p.m.)

3. Planning Applications & Appeals

	Address & Application No.	Proposal	Comments
CAMDEN APPLICATIONS			
3.1	Unit R07 Centre Point 101-103 New Oxford Street WC1A 1DD 2017/5413/L Black Sheep Coffee (A1)/ <i>Fruitful Design Consultancy Ltd. (agent)</i>	Internal alterations and installation of fixtures and fittings associated with fit out of Unit R07 at ground floor level.	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 Camden planning policy (see CGP1, 8.11-8.15; & DP25). 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). Further, Camden's Seven Dials (Covent Garden) Conservation Area Statement states that "signage should be non-illuminated or externally illuminated" (see SD19, p. 28-29). Further, the CGCA is concerned that no customer WC is proposed. Whilst the applicant states that the majority of sales will be for takeaway, toilet facilities should be provided for customers. Comments by 01-12-17 Photo: https://goo.gl/hdtMZT Documents: https://goo.gl/NeQXKu Note: Grade II-listed building
3.2	St Giles High Street WC2H 8LG 2017/5233/P St Giles in the Fields Church/ PCC of St Giles in the Fields; <i>Roger Mears Architects (agent)</i>	Installation of various lights for a tower floodlighting scheme.	No objection, provided a condition is included that limits the hours the lights are on to no later than 23:30. Comments by 11-12-17 Photo: https://goo.gl/FTG1ip Documents: https://goo.gl/dR2Spu Note: Grade I-listed building
3.3	158-162 Shaftesbury Avenue WC2H 8HR 2017/6258/P	Replacement of single-glazed timber windows with double-	No objection, provided the windows are replaced like for like. Comments by 12-12-17

	B1/ <i>Maylands Consulting (agent)</i>	glazed to front elevation at 1st to 4th floor level.	Photo: https://goo.gl/bRSRnT Documents: https://goo.gl/S5VAkh
3.4	15 Stukeley Street WC2B 5LT 2017/6253/P B1/ <i>GMS Estates Ltd.; Emrys Architects (agent)</i>	Details of noise from plant and machinery and anti-vibration measures pursuant to conditions 3 & 4 of planning permission ref: 2017/2337/P dated 27/09/2017.	<p>To protect the amenity of nearby residents (CS5) and to ensure that the plant and machinery 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) require the mitigation measures listed in the applicant's acoustic report (by auric acoustic consulting, dated 26-10-17), namely the condenser units at roof level will be surrounded by a 2.2m -high acoustic louvred screen on three sides and a 2.2m-high brick wall to the remainder (p. 6), and the proposed condenser units will be mounted on neoprene pad or turret mounts with a minimum static deflection of 8mm, and the associated pipework will be hung/mounted using similar isolators in the form of hangers for the first 100 pipe diameters (p. 11);</p> <p>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 CS5, DP26 and DP28. (See 2014/6696/P for precedent.)</p> <p>(3) restrict the amount of noise (measured in decibels) emitted to within Camden's thresholds (DP28; CPG5 6.9);</p> <p>(4) 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>(5) 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>(6) 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</p>

			<p>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 12-12-17</p> <p>Photo: https://goo.gl/RMa1uA</p> <p>Documents: https://goo.gl/2tCuiL</p>
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WESTMINSTER APPLICATIONS

3.5	<p>1 Heathcock Court WC2R 0JT 17/09494/FULL Z Hotel (currently B1)/Z Hotels; <i>Planning Resolution Ltd. (agent)</i></p>	<p>Use of part ground and the upper floors as hotel (C1); extensions over existing lightwells, new ventilation shaft at 6th floor; replacement of doors with windows on rear elevation at 2nd, 3rd & 5th floors; new windows with secondary glazing; partial obscure glazing on rear elevation windows; ancillary cafe at ground floor; installation of new and relocated plant at roof, with associated plant enclosures.</p>	<p>1. The CGCA objects to the introduction of hotel use (Class C1) at this location, as it would result in an unacceptable intensification of use in what is a small, narrow, pedestrian residential court (Exchange Court). The CGCA notes that the Council recently granted permission for a hotel at 418-422 Strand and 50 Bedford Street WC2R 0PT (16/09925/FULL), which also faces onto Exchange Court, which is a quiet, residential pedestrian passageway. The concerns raised with that application also apply with this current application at 1 Heathcock Court.</p> <p>The CGCA notes that the other hotel development includes 53 guest rooms, fewer than half what the applicant is proposing in this application. Thus, the current application proposes a much more intensive use, in addition to the hotel use already permitted.</p> <p>Further, the applicant refers frequently to a previous application for the site, 3/01970/FULL. However, no decision was made on this application, thus, it should not be used as precedent, as the Council did not determine if it was acceptable or not.</p> <p>2. The CGCA's primary concern regarding these proposals is the potential noise, disturbance and overlooking impact on local residents, particularly those in Exchange Court, onto which the rear of the proposed hotel would face. Additionally, unlike the hotel approved in 16/09925/FULL, the current application is for a site that will use Strand as the primary access to the hotel and this has significant implications for deliveries, servicing, and taxi or coach drop-offs/pick-ups.</p> <p>3. City Plan Policy S23 (Hotels & Conference Facilities) states that hotels will be directed to streets that are not predominantly residential, as the policy acknowledges that hotel use is often not compatible with residential use. Yet, should the Council permit this application, residents of Exchange Court will be surrounded by hotel use, with overlooking coming from every direction.</p> <p>4. TACE2 specifies that new hotels should not adversely affect the quality of life for local residents. In particular, TACE2(C)(2)(d) says new hotels will only be approved provided "there</p>
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			<p>would be no adverse effects on residential amenity.” Also, see CPG6-7.4.</p> <p>5. Consultation – The applicant did not consult with the CGCA, which is recognised by Westminster City Council as the official amenity society for Covent Garden. The applicant maintains that they engaged with the residents in Exchange Court, directly adjacent to the applicant’s building, as they are the only ones affected. However, the CGCA disagrees with this stance. A development of this size and a change of use to hotel (C1) will have an impact on the wider area beyond simply Exchange Court. Development does not occur in a vacuum, particularly in such a central, dense neighbourhood as Covent Garden. This highlights exactly why it is critical that applicants engage with the CGCA before an application is submitted, as our organisation is concerned with how such development fits into the conservation as a whole and the impact it has at a strategic level.</p> <p>By limiting consultation to only direct neighbours, the applicant’s public consultation reached only eight individuals, which included business owners of the adjacent Porthouse Public house, Port House bistro restaurant and Adelphi Theatre. Thus, the applicant’s determination of impact on the local residential community comes from five or fewer residents (see Planning Statement, p. 5).</p> <p>Unlike the applicant, the developer/applicant for 418-422 Strand and 50 Bedford Street WC2R 0PT (16/09925/FULL) met with the CGCA before submitting a planning application and, thus, was able to mitigate many of the community’s concerns.</p> <p>6. Servicing, deliveries, & coach/taxi pick-up and drop-off</p> <p>The applicant has not identified a clear process for managing taxis and private hire vehicles arrivals/ departures including measures to deter coaches. See S42 of City Plan and UDP STRA 25, TRANS 20 and TRANS 21.</p> <p>The applicant proposes that all scheduled deliveries will be from Strand using an on-street servicing bay between 07.00-10.30 a.m. only, with a maximum of five deliveries per day. The CGCA notes that Strand has very heavy vehicular traffic, notably bus traffic, thus obstructing the road during the morning commute hours (or at any other time) will disrupt traffic flow.</p> <p>The change of use from office (B1) to hotel (C1) will result in an increase in servicing and delivery needs, although the applicant disingenuously claims that hotel use requires less servicing than</p>
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			<p>office use (D&A p. 23). Although the applicant says little food and beverage waste or deliveries will be required, the first-floor café, as well as linen needs, would result in more delivery/servicing needs than currently exists for office use. Thus, an increase in the disruption caused by obstructing Strand, and from the noise and disturbance associated with increased deliveries, will result, and this will have an impact not only on immediately adjacent residents, but the wider Covent Garden office and resident community who rely on the local transport network.</p> <p>Further, the applicant says there will be no on-site parking and no coach bookings, and taxi drop will be on Strand. Hotel use will generate more demand for taxis than the existing office use. Further, the applicant has not provided details of how coaches and taxis will be managed. Whilst the applicant says bookings for coach parties will not be accepted, nothing prevents this from changing in the future.</p> <p>7. Overlooking, noise & disturbance</p> <p>The applicant makes much of the London Plan strategy to increase hotel usage. However, the London Plan, as well as local policies, are clear that this goal does not trump the need to protect the amenity of existing residents.</p> <p>The applicant makes much of the building's location on Strand, in the CAZ. However, the hotel's entrance and frontage is in Heathcock Court. The frontage on Strand will remain in retail (A1) usage. Access to Heathcock Court is located on the east side, through a narrow, pedestrian passageway secured by a decorative metal gate.</p> <p>Further, the proposed terraces/balconies would have an impact from noise and disturbance, and overlooking. Some of the residential flats have windows that will be directly overlooked by the proposed balconies. Some of these residents will also be overlooked by the already-permitted hotel at 418-422 Strand and 50 Bedford Street, resulting in a "fishbowl" existence.</p> <p>Unlike the hotel approved at 418-422 Strand and 50 Bedford Street, the applicant's hotel will encourage use of the ancillary café use by the general public, thus generating more footfall than the approved hotel or the existing office use at the applicant's site. As the officer's report for the hotel at 418-422 Strand and 50 Bedford Street notes, customers at that hotel would spend minimal time at the hotel, as the hotel's supporting facilities are limited to a reception and small lounge area on the ground floor (see officer's report).</p> <p>The applicant discusses Heathcock Court in</p>
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			<p>built-up character given the building's location in a narrow passageway.</p> <p>11. Although the CGCA objects to these proposals, should the Council be minded to grant permission, the CGCA recommends the following conditions to ensure that local residents' quality of life, including right to privacy, is not affected be included with any permission granted:</p> <ol style="list-style-type: none"> a. All rear elevation windows and all terraces/balconies should have obscure glazing. All windows must be sealed with secondary glazing and rely on hotel ventilation systems. b. A band of obscured glass across the windows and door leading to the balconies/terraces to avoid distraction from people moving inside the rooms; c. A phone number for residents to call should there be unnecessary/ disturbing noise from the terrace. This number should be answered 24/7 (this should not be the number to the Council's noise team); d. No music should be played in the hotel such as to be audible outside the premises, to protect the environment of people in neighbouring properties (S32 of Westminster's City Plan; and UDP ENV 6 and ENV 7); e. No amplified music should be played on the external hotel balconies (S32 of Westminster's City Plan; and UDP ENV 6 and ENV 7); f. Guests should not be permitted onto the external balconies before 06.00hrs or after 00.00hrs each day (S29 & S32 of Westminster's City Plan; and UDP ENV 6 and ENV 7); g. No litter (particularly cigarette ends) to be disposed of from the balcony. h. Restrict the hotel opening for non-guests between 22.30 and 07.00 hours the following day; i. Additionally, the CGCA suggests that hotel staff notify guests upon check-in that the area is a residential neighbourhood and, thus, residents should minimise any noise and disturbance whilst staying at the hotel. <p>Comments by 08-12-17 Photo: See D&A Statement Documents: https://goo.gl/z3T7ny</p>
3.6	9 Russell Street WC2B 5HZ 17/09858/FULL	Installation of kitchen air-supply and air-extract ducting and air-con condenser units to rear with associated works.	The CGCA objects to the installation of such an intense amount of plant and equipment directly adjacent to residents' noise-sensitive windows. The upper levels on Russell Street and

	<p>Red Farm (A4)/Red Farm London Ltd.; Walsingham Planning (agent)</p>		<p>Wellington Street include many residential flats. The cumulative impact would cause noise and disturbance to residential amenity beyond that permitted by Westminster and by national policies. This is further exacerbated by the proposed hours of operation.</p> <p>Further, the CGCA points out that the applicant has failed to provide the sufficient required information and has based the acoustic analysis on erroneous data. The Council's own Environmental Services officer has noted this, as well.</p> <p>The CGCA and local residents have submitted complaints to the Council regarding the inappropriate placing of plant and equipment directly outside of residents' windows and the unbearable noise and disturbance this has caused local residents.</p> <p>Finally, the amount of proposed plant would result in visual clutter, especially when considered cumulatively with existing surrounding plant.</p> <p>Comments by 12-12-17 Photo: https://goo.gl/MH42F7 Documents: https://goo.gl/5UsjGA Note: Plant will operate M-SU 08:00-24:00.</p>
3.7	<p>34-43 Russell Street WC2B 5HA 17/09986/FULL By Chloe (A3)/Walsingham Planning (agent)</p>	<p>Variation of Condition 1 of permission dated 18-02-2015 (14/12716/FULL) NAMELY, to vary drawings to allow amendments to the layout and elevation.</p>	<p>The CGCA objects to the design style of the proposed awnings, which are inappropriate and insensitive in a conservation area. As such, these proposals fail to maintain or improve (preserve or enhance) the character and appearance of the Covent Garden Conservation Area (S25, S28, DES9, para 10.108-10.128). According to S25, S28 and DES9, careful consideration must be given to the characteristics of a development site, features of local distinctiveness, and the wider context to achieve high-quality development which integrates into its surroundings. Westminster's planning policy is clear that the Council expects development to retain the distinctive characters of the conservation area and new development must contribute positively to this. S25 specifies that "the built environment must be respected and refurbished sensitively in a manner appropriate to its significance. Any change should not detract from the existing qualities of the environment."</p> <p>Further, should the Council be minded to grant permission, a condition should be included that limits the hours customers can gather outside the premises, as it is located in a quiet, sensitive, predominantly residential neighbourhood that has little commercial use. Such a condition is particularly critical given the applicant's recent proposals to permit takeaway</p>

			<p>(A5) use until 00:30 (see 17/09449/FULL). Comments by 12-12-17 Photo: https://goo.gl/tRjWEM Documents: https://goo.gl/tFzTgG</p>
3.8	<p>5C The Market WC2E 8RA 17/10116/FULL Buns & Buns (A3)/Buns & Buns Ltd.; Rolfe Judd (agent)</p>	<p>Replacement of the modern ground floor structure, and associated works to the basement vaults. Linked to 17/10117/LBC and 17/10118/ADV.</p>	<p>Whilst the CGCA welcomes the revisions to the original proposed mezzanine level, we are concerned the increased height would obscure the view through the listed market building. Further, we have concerns about the change in the entrance to the restaurant that could encourage queuing and obstruct flow through the already-crowded market. Comments by 15-12-17 Photo: See D&A Statement Documents: https://goo.gl/kUPy3d Note: Grade II*-listed building</p>
3.9	<p>32-33 Long Acre WC2E 9LA 17/10341/FULL Reebok (A1)/GPS (Great Britain) Ltd.; Lichfields (agent)</p>	<p>Removal of existing plant and the installation of 3 new condensers, plant deck, key clamp edge roof protection and new windows.</p>	<p>No objection, provided the windows are replaced with like for like. Further, to protect the amenity of nearby residents from noise and vibration (S29 & S32) and to ensure that the equipment does not cause undue noise and disturbance, any permission granted must include conditions that: (1) limit the hours of use to business hours of the premises, which are listed as 10:00-20:00 in the applicant's supporting documents. This is to reduce the impact of noise and vibration on residential amenity during evening, late-night and weekend hours (ENV6; ENV6-9.78) (for precedent, see 16/03529/FULL, condition 3; 16/09309/FULL, condition 5; and 16/12156/FULL, condition 16); (2) restrict the amount of noise (measured in decibels) emitted from the units to within Westminster's thresholds (S32; ENV6; ENV7); (3) 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); (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 (ENV6); and (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 and to safeguard the amenity of the adjoining premises and the area generally. The timer equipment shall thereafter be permanently</p>

			<p>retained and maintained and retained in accordance with the manufacturer's recommendations. (S32; ENV6; ENV7).</p> <p>Comments by 21-12-17</p> <p>Photo: https://goo.gl/YyMYAt</p> <p>Documents: https://goo.gl/C7rWuZ</p>
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4. Tables and Chairs

CAMDEN APPLICATIONS			
4.1	<p>40 Great Queen Street WC2B 5AA</p> <p>2017/6391/TC</p> <p>Philomenas</p>	<p>3 tables, 12 chairs and 3 barriers</p>	<p>The CGCA objects to the use of tables and chairs at this location, as the applicant continues to demonstrate an inability to appropriately manage the use of street furniture in such a way that complies with existing permission and that does not create an obstruction for pedestrians. The CGCA has brought this to the Council's attention for several years. See attached photos.</p> <p>The pavement on Great Queen Street is narrow until it reaches the applicant's business. At this point it widens. However, the typical position of the applicant's street furniture, as well as vertical drinkers, leaves much less than Camden's 1.8m minimum. This restricts pedestrian movement from the narrower pavement to the wider area, regularly forcing pedestrians to walk in the road.</p> <p>This violates Camden's planning policy. CPG5.11 states that, "The area where tables and chairs may be placed must be designated and must not interrupt the area of footway for pedestrian movement."</p> <p>Additionally, Camden widened the pavement at the junction of Great Queen Street and Drury Lane not for the purpose of allowing businesses to commandeer more space for street furniture, but because pedestrian volumes warranted a wider space and additional public realm.</p> <p>Also, the CGCA continues to object to the hours, which do not comply with Camden's tables and chairs guidance or the Council's Statement of Licensing Policy (2011), which specify that hours will not be allowed past 9 p.m., unless the site is located in "predominantly commercial street in the Central London Area," which Great Queen Street is not. (See Appendix 2 of Camden's "Tables & Chairs Guidance.") Permission for hours beyond this not only violates Camden's policy, but also is highly inappropriate in a residential area.</p> <p>Whilst we acknowledge Camden's position that reducing the existing hours is difficult, the CGCA strongly objects to this premise's hours being used as a precedent for other premises in the area.</p> <p>Comments by 13-12-17</p> <p>Photos: https://goo.gl/pxCirN, https://goo.gl/9kDjVY & https://goo.gl/8nejsT</p> <p>Documents: https://goo.gl/6SYWXJ</p> <p>Note Renewal. No change in use or hours: M-TH 08:00-23:00; F-SA 08:00-23:30; SU 08:00-22:30. 2016/6513/TC on 19-12-16 agenda. CGCA objected to hours and applicant's inability to manage furniture.</p>
4.2	<p>4 Monmouth Street WC2H 9HB</p> <p>2017/6388/TC</p> <p>Hotel Chocolat</p>	<p>2 tables and 4 chairs on Monmouth Street; 2 tables and 4 chairs on Shaftesbury Avenue.</p>	<p>Whilst the CGCA has no objection to the tables and chairs, we do object to the use of a large A-board and menu board on the Monmouth Street elevation without permission. See attached photo.</p> <p>Comments by 15-12-17</p> <p>Photos: https://goo.gl/TobNSo (Shaftesbury) & https://goo.gl/SCYskV (Monmouth)</p> <p>Documents: https://goo.gl/45zvpq</p>

			Note: Renewal. No change in use or hours: M-SU 08:00- 20:00. 2016/4776/TC on 12-09-16 agenda. Proposal asked for more T&CH, but CGCA recommended 2T & 4CH on each elevation.
WESTMINSTER APPLICATIONS			
4.3	37 Southampton Street WC2E 7HG 17/10225/TCH Costa/Savills (agent)	Use of the public highway measuring 4718mm x 917mm for the placing of two tables and four chairs.	<p>The CGCA objects to the use of street furniture at this location. There is heavy footfall on the pavement in front of the applicant's business, as Southampton Street is the primary pedestrian route between Strand and the Covent Garden Piazza. This footfall is acutely heavy before and after shows at adjacent theatres, as well, with theatregoers regularly seen being forced to walk in the road because of the large crowds using the pavement.</p> <p>As proposed, the tables and chairs would be pushed further into the pavement because they are proposed to be placed against the building's columns, which extend further into the pavement than the rest of the shopfront.</p> <p>See attached photos.</p> <p>Additionally, 6:30 a.m. is too early for the use of street furniture and the CGCA objects strongly to these hours. The CGCA points out that this area is residential, and becoming increasingly so. There are residential flats directly above the applicant's café as well.</p> <p>Comments by 14-12-17 Photo: https://goo.gl/XBba5L Documents: https://goo.gl/m6ihnt</p> <p>Note: New application. Proposed hours: M-F 06:30-20:30; SA 07:30-20:30; SU 08:00-19:00.</p>

5. Other business

5.1	39 Neal Street WC2H 9QG 2017/6067/A Ellesse (A1)/Focus International; Boxco2 Consultants Ltd. (agent)	Display of 2 non-illuminated fascia signs, 2 non-illuminated blade signs, and an internally illuminated logo sign.	<p>The CGCA objects to use of internal illumination, as this method of illumination is inappropriate and unsympathetic in a conservation area, and conflicts with Camden planning policy (CGP1, 8.11-8.15; & DP25). National guidance, as set forth in the DCLG's "Outdoor advertisements and signs: a guide for advertisers," states that Class 4 (illuminated advertisements) "does not extend to any premises in a Conservation Area" (p. 17). And, Camden's Seven Dials (Covent Garden) Conservation Area Statement says "signage should be non-illuminated or externally illuminated" (SD19, p. 28-29).</p> <p>Photo: https://goo.gl/VnU9hV Documents: https://goo.gl/rL9FJS</p>
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6. Next meetings & future presentations

- 6.1 11 December 2017 (e-meeting due to CGCA Carol Service)