

Minutes

Covent Garden Community Association

Planning Sub-Committee meeting held on Monday, 7 December 2015
at 17:30 at Covent Garden Community Centre, 42 Earlham Street WC2H 9LA

www.CoventGarden.org.uk



TheCGCA



@TheCGCA

1. Attendance

1.1 Present: Jo Weir, Robert Bent, Shirley Gray, Selwyn Hardy, Gary Hayes, David Kaner, Kester Robinson, Meredith Whitten

1.2 Apologies received: Elizabeth Bax, David Bieda, Richard Hills, Rhu Weir

1.3 Comments received: Elizabeth Bax, Rhu Weir

2. Presentation: None scheduled

3. Planning Applications & Appeals

	Address & Application No.	Proposal	Comments
CAMDEN APPLICATIONS			
3.1	24 Cambridge Circus WC2H 8AA 2015/6443/P McDonald's/McDonald's Restaurants Limited; Planware Limited (agent)	Retention of an air intake attenuator at first-floor level above access stairs, capping of former vent ducts and 3 new vent grills to elevations within lightwell.	Objection. The noise report submitted by the applicant is significantly flawed. It does not include the required measurements, instead relying on the consultant's subjective hearing. (The report says, "Subjectively I could not hear any noise contribution from the McDonald's plant" – see page 5). Additionally, the noise report relies on a current configuration of plant and equipment that is operating either without planning permission or without proper maintenance. Thus, establishing a baseline background level with the existing (unpermitted) equipment is wrong. Further, the noise report says that the plant and equipment will operate until 23:00, however the applicant is currently seeking a license to operate the premises until 1 a.m, at which time the other equipment in the lightwell will have ceased operating. In this case the applicant's equipment will add to background noise and will therefore cause harm to residents. Comments by 17-12-15 Photo: See documents Documents: http://goo.gl/U8ZqVk Note: Retrospective application
3.2	101-103 New Oxford & 5-24 St Giles High Street WC1A 1DD 2015/6497/P Centre Point / Almacantar Limited; Gerald Eve (agent)	Details of site investigations as required by condition 6c of planning permission 2013/1957/P dated 01/04/2014.	No comment Comments by 21-12-15 Photo: https://goo.gl/6LiEUT Documents: http://goo.gl/vjp4Rk Note: Listed building
3.3	170a/171 Drury Lane WC2B 5PD 2015/6031/P Café Mode/Pizza Pilgrims Ltd.; Pegasus Group (agent)	Change of use of ground floor from mixed class A1/A3 (Sui Generis) to Class A3 (Restaurant and Cafe), including installation of extraction and ventilation equipment and the	The application is misleading on several grounds. <ul style="list-style-type: none"> The applicant fails to mention that the proposed restaurant is surrounded by residents, most notably a Council block of 60

		retention of outdoor seating area.	<p>residents directly above the premise, from 5th-floor level and above.</p> <ul style="list-style-type: none"> • No acoustic report is included with the supporting documents. This report is required to assess the impact of the extraction and ventilation equipment. In addition to the noise and disturbance impact, the CGCA also is concerned about the impact of odours, as the applicant proposes the extracted air from the pizza oven will be discharged directly beneath residential units. No permission should be granted until the applicant has provided documentation regarding noise and odours and the public has had the opportunity to review and comment on these documents. • The applicant does not acknowledge that the planning history for this site included the requirement that A1 use be at ground level. • The applicant has also misstated the number of A3 uses on the street frontage and misrepresented other uses, notably entertainment uses, such as nightclub use. Providing an accurate reflection is critical given the cumulative impact that these entertainment uses have on adjacent residents, and this cumulative impact must factor into planning decisions. <p>Should the Council be minded to grant permission, a condition must be included that limits the hours of operation to those applied for (Monday-Saturday 11:30-23:00 and Sunday 11:30-22:00). This is to protect residential amenity from noise and disturbance.</p> <p>Although the outdoor seating falls within the applicant's curtilage, outdoor seating must be limited to no later than 21:00 to be compliant with Camden's tables-and-chairs policy, which exist to protect residential amenity. Camden's policy and planning guidance for tables and chairs state that hours for tables and chairs usage should not extend beyond 21:00. Drury Lane is not a "predominantly commercial street in the Central London Area" as defined in the guidance and, thus, the hours must conform to Camden's policy hours, which are Monday to Sunday, 08:00-21:00. Permission for hours beyond this violates Camden's policy. (See Statement of Licensing Policy, 2011.)</p> <p>Comments by 25-12-15 Photo: https://goo.gl/rtalSy Documents: http://goo.gl/pGmNVs Note: Proposed hours: M-SA 11.30-23:00; SU 11:30-22:00. (Current: M-SU 09:00-00:00.)</p>
3.4	Goldsmith Court Stukeley Street WC2B 5LF 2015/5555/P C3/Origin Housing Ltd.; Arcus	Replacement of existing single glaze timber frame windows with double glaze aluminium frame windows to front and side elevation to residential block (Class C3).	<p>No objection</p> <p>Comments by 29-12-15</p> <p>Photo: See documents</p> <p>Documents: http://goo.gl/cxlqcv</p>

	<i>Consulting LLP (agent)</i>		Note: 26-10-15 agenda. No objection.
3.5	130 Charing Cross Road WC2H OLAP APP/X5210/C/15/3136064 Sajway Lebanese Food/Selena Niven; Direct Planning Limited	Change of use from A1 (retail) to A5 (hot food take-away). (2015/2945/P)	<p>The Covent Garden Community Association is the official amenity society for Covent Garden, which includes the premise that is the subject of this appeal. The CGCA supports the London Borough of Camden's enforcement notice for the unauthorised use of the ground-floor unit at 130 Charing Cross Road, London WC2H OLA, for a hot food take-away shop (Class A5).</p> <p>The CGCA has consistently objected to the applicant's proposals for change of use to Class A5 (2015/2945/P and 2013/4035/P) because of the impact on adjacent residents as well as on the Seven Dials Conservation Area.</p> <p>As the applicant stated in the supporting documents for the application, residents live directly above and adjacent to these premises. Residents have complained about noise and disturbance from late-night customers, as well as odour and smell from cooking, and have had no relief or response from the applicant. Change of use to Class A5 take-away would only exacerbate these issues, which already are a breach of planning permission and control. This includes queuing outside the café, particularly late at night (after 22:00), which causes significant noise and disturbance to the amenity of residents directly above and adjacent to this premise.</p> <p>Additionally, the applicant's noise report is flawed, taking into account solely the sound reduction index for the concrete slab for the residential flat directly above the restaurant. As such, the applicant has not supplied information needed to ensure the proposals would not harm residential amenity. Given the applicant's disregard for planning policies and residents' ongoing complaints about noise, disturbance and odours, providing such information is critical for the Council's decision-making process and for providing assurance to residents that their amenity will not continue to be disturbed or negatively impacted by the applicant's operations.</p> <p>The Council also rightly bases its refusal, in part, on the loss of retail and the subsequent impact this has on the character, vitality and viability of the conservation area. In particular, the location of this premise must be noted. It is in a highly visible gateway to the conservation area, and this will only intensify with the establishment of Crossrail nearby at Tottenham Court Road. Additionally, this location is near the Denmark Street Conservation Area. Thus, the designated shopping frontage and use is critical to preserving and enhancing the historic character of the area. The area already experiences an over-saturation of A3 and A5 uses. Multiple mixed-use developments in progress near</p>

			<p>Crossrail will add to this and have the detrimental impact of irreversibly altering the character and function of the conservation area. A Class A5 take-away use has a substantially different impact on a conservation area, and on local residents, than a Class A1 retail shop does. Given this, the Covent Garden Community Association supports Camden Council's decisions regarding this matter.</p> <p>Comments by 23-12-15 Photo: None Documents: https://goo.gl/7CWEpv Note: Appeal. On 08-06-15 agenda.</p>
WESTMINSTER APPLICATIONS			
3.6	35 King Street WC2E 8JD 15/09355/FULL A1/SMCP UK Limited; Fabien Marcque Design (agent)	Relocation of entrance doors.	<p>No objection</p> <p>Comments by 23-12-15 Photo: https://goo.gl/4BByB0 Documents: http://goo.gl/29JINB</p>
3.7	25 Bedford Street WC2E 9ED 15/10227/FULL B1/Blackrock; TTSP (agent)	Installation of new doors at fourth floor level in association with the creation of a terrace to the front elevation; installation of an extract vent to rear courtyard elevation.	<p>Any permission granted must include a condition that specifies that the roof terrace is restricted to the current B1 office use, and the terrace cannot be used outside of normal business hours (no later than 21:00). This is to protect residential amenity from both noise and disturbance, and overlooking. This condition has precedent (see 14/00907/FULL, condition 7):</p> <p>"The terrace must not be used before 08:00 or after 21:00 Monday through Friday, before 08:00 or after 17:00 Saturdays, and not at all on Sundays or Bank Holidays. You can however use the roof to escape in the event of an emergency outside of these hours." The reason for this condition is to protect the privacy and environment of people in neighbouring properties, as set out in S29 and S32 of Westminster's City Plan, and ENV 6 and ENV 13 of the UDP.</p> <p>Comments by 28-12-15 Photo: https://goo.gl/Vgqx9y Documents: http://goo.gl/YS5pJV</p>
3.8	1 Garrick Street WC2E 9AR 15/10344/FULL Round House (A4)/Fuller Smith & Turner PLC; LAP Architects & Interior Designers (agent)	Replacement of two existing windows with sliding/ folding doors to front elevation.	<p>The CGCA objects to an openable shopfront at this, and any, premises. Westminster planning policy opposes openable shopfronts, as stated in the Council's planning guidance, "Shopfronts, Blinds and Signs." Westminster has assertively and consistently refused permission for similar requests.</p> <p>Folding and openable shopfronts detract from the character of the street and the Conservation Area, as well as the architectural integrity of the building. When open, they erode the appearance of the shopfront, creating a visual void, and can have a negative impact on local amenity, for example in terms of noise and disturbance.</p> <p>Although part of the existing shopfront includes</p>

			<p>openable windows, this is not a policy justification for permitting additional openable windows and expanding the openable shopfront to extend across almost the entire premise.</p> <p>As the attached photo shows, the public highway on New Row is particularly narrow. Additionally, delivery vehicles associated with the Tesco across the road are frequently parked in New Row, leaving only the narrow public highway for pedestrians. Customers at the Round House regularly commandeer the majority of the public highway – far more than permitted. Providing additional openable windows would result in more vertical drinkers outside the premise, which would completely obstruct the pavement and create a health and safety hazard for pedestrians.</p> <p>Comments by 29-12-15</p> <p>Photos: https://goo.gl/kdeCmH, https://goo.gl/uGJqXO & https://goo.gl/3MgBUh</p> <p>Documents: http://goo.gl/Onaku0</p>
3.9	<p>17-18 Henrietta Street WC2E 8QH</p> <p>15/10090/FULL</p> <p>B1/Capco; Gerald Eve (agent)</p>	<p>Erection of single-storey extension at rear first-floor level with roof terrace above, installation of metal balconies to rear elevation at third & fourth floor levels, installation of replacement plant at main roof level & associated works.</p>	<p>The CGCA objects to the dropping of the cills of the existing window openings and installing new fenestrations including doors, as the proposed new doors are out of keeping with the rest of the building, neighbouring buildings and the conservation area in which these buildings sit. On the supporting document “proposed rear view link,” the incongruity and inappropriateness of the proposed doors can be seen. Windows to the left and to the right of the doors match the existing style, while the proposed doors are modern and out of keeping with the building and the conservation area.</p> <p>The CGCA also objects to the loss of the window and loss of light at the first floor. Translucent roof light is not an appropriate replacement for the loss of daylight the existing window receives.</p> <p>The CGCA also questions the need for the rear balconies for B1 use. Their size indicates they will be used solely for smoking and will result in disturbance to adjacent residents. Any permission granted must include a condition that specifies that the balconies cannot be used outside of normal business hours (no later than 21:00). This is to protect residential amenity from both noise and disturbance, and overlooking. This condition has precedent (see 14/00907/FULL, condition 7):</p> <p>“The rear balconies must not be used before 08:00 or after 21:00 Monday through Friday, before 08:00 or after 17:00 Saturdays, and not at all on Sundays or Bank Holidays.” The reason for this condition is to protect the privacy and environment of people in neighbouring properties, as set out in S29 and S32 of Westminster’s City Plan, and ENV 6 and ENV 13 of the UDP.</p>

			<p>Comments by 30-12-15</p> <p>Photo: https://goo.gl/LAZp0V</p> <p>Documents: http://goo.gl/2T2XYA</p>
3.10	<p>27-31 Charing Cross Road WC2H 0AU 15/09858/FULL Alhambra House/<i>Bilfinger GVA</i></p>	<p>Use of building on part basement, part ground and upper floors (first to eighth floors) from offices (B1) to 123-bedroom hotel (C1). External works comprise the erection of additional storey, re-cladding of building, installation of replacement windows, works to ground floor elevation, installation of mechanical plant and creation of terraces on the seventh, eighth and 10th floors.</p>	<p>Objection. The proposed additional storey adds an unacceptable height and scale that would result in a negative impact on the streetscape and local views. Whilst the existing building is already out of scale with the local area, including four adjacent conservation areas, this is not justification for allowing even more height.</p> <p>Additionally, the applicant has not provided a detailed servicing and delivery analysis, and that includes existing servicing use. The CGCA expresses serious concern about how the applicant will be able to service a 123-hotel at this location without severe negative impacts on the local community, including the local road network. The applicant's transport access statement says that only four trips a day will be required; however, that is unrealistic given the proposed size and number of rooms of the hotel, unless excessively large vehicles are used, meaning that these large vehicles will dwell for long periods. The loading bay that the hotel proposes to would use is already in use by other businesses for the majority of the day and the applicant makes no reference to how this will work. A detailed servicing analysis would also provide a the basis for negotiating a section 106, such as restricting the number of daily trips or specifying that only electric vehicles should be used.</p> <p>Additionally, there is no coach parking adjacent to the hotel. The applicant notes that the nearest coach parking is 140m from the hotel, so customers will have to wheel their luggage some distance.</p> <p>The noise report indicates that some of the hotel rooms would experience unacceptable levels of noise from the cinema next door. This was part of the basis for the Council's refusal for permission for change of use to C3. The fact that the applicant now proposes C2 hotel use does not lessen the noise impact.</p> <p>Comments by 01-01-16</p> <p>Photo: https://goo.gl/4psket</p> <p>Documents: http://goo.gl/SansxQ</p>

4. Tables and Chairs

CAMDEN APPLICATIONS			
None			
WESTMINSTER APPLICATIONS			
4.1	<p>11 Upper St Martin's Lane WC2H 9FB 15/09301/TCH Jamie's Italian/ <i>Jamie's Italian Ltd.;</i></p>	<p>Use of two areas of the highway measuring 1.5m x 7.5m for the placing of four tables, 16 chairs and seven barriers on the Upper St Martin's Lane frontage and 1.5m x 10.5m x 3.5m for</p>	<p>No objection</p> <p>Comments by 21-12-15</p> <p>Photos: https://goo.gl/1BXCIF, https://goo.gl/b6ZiUr & https://goo.gl/EiBmXG</p>

	<i>Firstplan (agent)</i>	the placing of 16 tables, 30 chairs, 4 benches, one waiter station, 14 planters and 3 umbrellas on the St Martin's Courtyard (rear frontage).	Documents: http://goo.gl/viLP2u Note: Renewal. No change in use or hours: M-SU 09:00-23:00. On 10-03-14 agenda. CGCA objected to proposals to extend hours beyond 23:00; application was updated and permission granted until 23:00.
4.2	43 Drury Lane WC2B 5RT 15/09908/FULL Barrafina/Barrafina Ltd.; GL Hearn (agent)	Variation of Condition 3 of planning permission dated 25-8-2015 (15/04293/TCH) namely to permit tables, chairs, parasols & planters to be used/remain 12.00-00.00 M-SU.	Objection. Setting up and breaking down tables and chairs causes noise and disturbance, which is why the Council consistently specifies that tables and chairs are removed from the public highway when they are no longer in use. The impact of this noise and disturbance is particularly relevant in this situation because (1) Broad Court is a quiet court in non-commercial use that is surrounded by residential units on all sides (the restaurant frontage is on Drury Lane). Residents regularly complain about the noise and disturbance from the removal of tables and chairs. The applicant's proposal to break down tables, chairs, parasols and planters at midnight, after the restaurant closes, greatly contradicts the intent behind limiting the furniture on the public highway until 21:00. (2) Historically, Westminster has refused permission for tables and chairs at this location, noting that: "the tables and chairs outside the premises would cause harm to the residential amenity of the occupiers of the residential flats on Broad Court and 141-152 Drury Lane." (See 11/08291/FULL.) However, the Council recently decided to grant permission for tables and chairs, despite resident and CGCA objections, but to limit the hours to 21:00 precisely because of the highly residential, quiet nature of the area. Although the applicant says that the tables and chairs will not be used by customers after the permitted time of 21:00, experience shows otherwise. Unattended street furniture and late hours lead to antisocial behaviour. Permission for tables and chairs was granted less than four months ago, and the applicant made no mention at the time about an inability to store the street furniture when it is not in use. Having more street furniture than storage space is not a valid reason for extending the hours to after midnight and causing noise and disturbance for neighbouring residents. The CGCA suggests the applicant reduce the number of tables and chairs to a number that can be stored inside and removed from the public highway at the time permitted. Comments by 29-12-15 Photo: https://goo.gl/JgSWvW Documents: http://goo.gl/JLiZGZ Note: Permission granted for M-SU 12:00-21:00 on 25-08-15. On 22-06-15 agenda. CGCA objected.

5. Other business – Comments on the application below were submitted since the last meeting.

5.1	24 Cambridge Circus WC2H 8AA	Display of an internally illuminated projecting sign to	Whilst the CGCA does not object to the projecting sign, we do object to the use of internal illumination, which conflicts with Camden planning guidance and national planning guidance. This guidance specifies that
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	<p>2015/6356/A McDonald's/McDonald's Restaurants Limited; Planware Limited (agent)</p>	<p>Shaftesbury Avenue elevation.</p>	<p>internal illumination is inappropriate in a conservation area. This site falls within the Seven Dials (Covent Garden) Conservation Area. 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) "<u>does not</u> extend to any premises in a Conservation" (p. 17).</p> <p>Finally, Camden's Seven Dials (Covent Garden) Conservation Area Statement states that "signage should be non-illuminated or externally illuminated" (p. 28-29).</p> <p>Documents: http://goo.gl/D9uj5m</p>
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6. Next meetings & future presentations

- 6.1 11 January 2016
- 6.2 25 January 2016