

## Minutes

### Covent Garden Community Association

Planning Sub-Committee meeting held on Monday, 8 September 2014  
at 17:00 at Covent Garden Community Centre (Shelton Room), 42 Earlham Street WC2H 9LA

www.CoventGarden.org.uk



TheCGCA



@TheCGCA

#### 1. Attendance

**1.1 Apologies received:** David Bieda, Gary Hayes, Jo Weir, Rhu Weir

**1.2 Present:** Elizabeth Bax, Robert Bent, Shirley Gray, Selwyn Hardy, Amanda Rigby, Christina Smith, Meredith Whitten

**1.3 Guests:** Peter Bloxham

**2. Presentation:** Oliver Wolfryd & Paul Dimoldenberg re: 9-13 Grape Street

#### 3. Planning Applications & Appeals

	Address & Application No.	Proposal	Comments
<b>CAMDEN APPLICATIONS</b>			
3.1	65-75 Monmouth Street, St. Martins House WC2H 9DG 2014/4870/P & 2014/5224/L A1 & B1/ <i>Shaftesbury; Rolfe Judd (agent)</i>	Change of use of part second, part third and fourth floors from office (B1) to 4 self-contained flats (3 x 1-bed, 1 x 2-bed) (C3); change of use of part basement, part ground and part first floors from retail (A1) & office (B1) use to flexible use for either retail (A1) or restaurant (A3); change of use from office entrance (B1) at ground floor 69 Monmouth Street to create new retail (A1) unit and frontage; minor external alterations to Shelton Street to create new residential and office entrance; and associated internal alterations to include repositioning of existing lift and stairs and refurbishment works.	<p>The CGCA appreciates that the triangular shape of this listed building presents a challenge for efficiently using the interior space as B1 use. Given that, the CGCA does not object to the proposed scheme in principle. However, we do have the following concerns that should be addressed, should Camden be minded to approve the application.</p> <p><u>Dual use</u></p> <p>The CGCA consistently objects to permission for dual use, and we have previously provided Camden with legal advice to support our position that dual use is unlawful. Granting the applicant permission to change use at some point in the future between A1 and A3 without the need to apply for planning permission or consult with neighbouring residents at that time effectively removes this premise from planning control. For example, A1 and A3 affect neighbouring residents in different ways, and the planning system is set up to give residents the opportunity to voice their concerns before a change of use is granted.</p> <p><u>Restaurant use and waste disposal</u></p> <p>The CGCA does not see the need for another restaurant in Covent Garden. As noted in CPG2, 4.45, additional food, drink and entertainment uses may cause harm to residential amenity and to the mix and balance of uses in Covent Garden. The dense built environment means that the area is particularly sensitive to the impacts of food drink and entertainment uses including noise and cooking smells.</p> <p>In addition, CPG5 has a section on Covent Garden (4.40-4.45). This seeks to “avoid clusters of food drink and entertainment uses that cause harm to the amenity of the area and to the residential population.” CPG5 gives guidance as to when permission “will not generally be granted” connected with the proportion of similar uses within the frontage and also states that “the Council will also take into account the number and mix of uses in adjacent and opposite premises in assessing</p>

			<p>applications”.</p> <p>In the case of this building there are a significant number of premises which are in food, drink or entertainment use in the immediate vicinity. These include Cantina Laredo across Shelton Street in the City of Westminster and Timberyard and Rossopomodoro on Monmouth Street. A little further away, but still within 50m of the premises are Crazy Bear, Jamie’s Italian and Tredwells (Westminster) and the Two Brewers (Camden).</p> <p>We believe that this group of premises constitute a “cluster of food, drink and entertainment uses” and so permission for an A3 use at this location should not be granted.</p> <p>We would point out that a previous application (2005/4141/P) for a restaurant use near this site (25 Shelton Street) was refused under the previous version of CPG5 and this refusal was upheld by the Planning Inspector at appeal (APP/X5210/A/06/2017550). The application had previously been granted (2004/3907/P) but the decision had been overturned at the High Court following a Judicial Review by residents. This location, already has residents living opposite on Shelton Street and immediately next door and is therefore sensitive to the impact of food, drink and entertainment uses.</p> <p>However, should Camden permit A3 use, the CGCA requests the following conditions:</p> <ul style="list-style-type: none"> <li>• To protect residential amenity from late-night noise, disturbance and the potential for antisocial behaviour, the hours of operation should be limited to Camden’s core hours.</li> <li>• A condition should specify that servicing must be limited to 08:00 to 20:00. As noted in Camden’s DP20.16, delivery timings can have a significant influence on residential amenity from when made out of working hours. To protect the amenity of nearby residents, as well as those working in and visiting Covent Garden (see CS5), no deliveries should be permitted outside of these hours.</li> <li>• The proposed space allotted for servicing and refuse/waste collection is inadequate and largely inaccessible. For example, residents in the second and third floors would have to go outside, back in and then downstairs to use the designated refuse space. Similarly, to use the refuse space, restaurant staff also would have to go outside onto Shelton Street and then back in again before going downstairs. The result of these onerous processes is likely to be rubbish – and the subsequent noise – on Shelton Street. The CGCA also questions the amount of space proposed for restaurant waste. This seems inadequate and we suggest that internal waste handling should take place in the restaurant basement. The CGCA suggests a refuse chute could be designed for the residential aspect of the development.</li> </ul> <p><u>Cycle storage</u></p> <p>Similarly, as proposed, a resident would need to go through four doors and down stairs to get to the cycle storage, which undoubtedly is a disincentive. Instead, the</p>
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			<p>CGCA suggests allocating a small part of the alcove at back of the new retail unit at ground floor level as the cycle storage.</p> <p><u>Residential units</u></p> <p>The CGCA is also concerned about potential noise and disturbance and overlooking from the proposed alterations to the roof light onto existing residents behind the building site, including those in Ching Court.</p> <p>To address noise and disturbance, the CGCA requests replication of existing covenants regarding the residential units at the back around Ching Court to minimise noise and disturbance.</p> <p>To address overlooking, the CGCA suggests filling in the gaps in the metal balcony rails and frosting the bottom half of the French doors onto the balconies.</p> <p><u>Plant and equipment</u></p> <p>Noise emitted by plant and equipment should not exceed 10 decibels below background, equipment should be installed on anti-vibration mounts. Odour from ventilation equipment should be monitored.</p> <p>The applicant should be required to have at least annual maintenance performed on all equipment to ensure it is running effectively.</p> <p>Photos: <a href="http://tiny.cc/whwolx">http://tiny.cc/whwolx</a>, <a href="http://tiny.cc/hiwolx">http://tiny.cc/hiwolx</a>, <a href="http://tiny.cc/Oiwolx">http://tiny.cc/Oiwolx</a>, <a href="http://tiny.cc/eiwolx">http://tiny.cc/eiwolx</a> &amp; <a href="http://tiny.cc/sjwolx">http://tiny.cc/sjwolx</a></p> <p>Documents: <a href="http://tiny.cc/9ewmlx">http://tiny.cc/9ewmlx</a></p> <p>Note: Listed building. Previous applications withdrawn (see 2012/3573/P on 13-08-12 &amp; 2012/4992/P on 22-10-12). CGCA objected to both.</p>
3.2	<p>1 Fielding Court 28 Earlham Street WC2H 9LN 2014/5187/P C3/Shafesbury; Rolfe Judd (agent)</p>	<p>Creation of external doorway to new plant room and creation of a new residential window.</p>	<p>No objection</p> <p>No photo</p> <p>Documents: <a href="http://tiny.cc/t2vmlx">http://tiny.cc/t2vmlx</a></p> <p>Note: Proposals relate to Tower Court elevation.</p>
3.3	<p>2 Neal's Yard WC2H 9DP 2014/5262/P A5/Shafesbury; Rolfe Judd (agent)</p>	<p>Erection of extract duct to the rear elevation.</p>	<p>The CGCA has no objection provided the following concerns are addressed via condition:</p> <ul style="list-style-type: none"> <li>• The extract duct should not be placed adjacent to any openable windows, particularly residential windows. The noise report does not mention where the nearest noise-sensitive window is. From the drawings, it appears that the duct is near a residential window.</li> <li>• Vibration levels are below the levels outlined in DP28.</li> <li>• The extract duct should not be in use between the hours of 23:00 and 07:00 (DP28).</li> </ul> <p>Photos: <a href="http://tiny.cc/bl5wkx">http://tiny.cc/bl5wkx</a> &amp; <a href="http://tiny.cc/115wkx">http://tiny.cc/115wkx</a></p> <p>Documents: <a href="http://tiny.cc/z7vmlx">http://tiny.cc/z7vmlx</a></p>
3.4	<p>34 Great Queen Street WC2B 5AA 2014/5069/P A1/CgMs Consulting (agent)</p>	<p>Change of use of ground and basement floors from shops (A1) to a mixed shop and cafe (A1/A3).</p>	<p><i>Withdrawn by LBC</i></p> <p>Photo: <a href="http://tiny.cc/73tolx">http://tiny.cc/73tolx</a></p> <p>Documents: <a href="http://tiny.cc/9yvmlx">http://tiny.cc/9yvmlx</a></p>

3.5	9-13 Grape Street WC2H 8ED 2014/5566/P Sui generis/ <i>Project Met</i> ; DP9 ( <i>agent</i> )	Erection of roof extension and change of use from office and photographic studios (B1), gymnasium (D2) and gallery (D1) to 8 (6 x 2 bed and 2 x 3 bed) residential units (C3), replacement of rooftop plant; associated works.	No objection, provided a condition is included that specifies that any construction must comply with all requirement (including hours and noise) as set out by Camden. The CGCA notes that the applicant has gone to great lengths to accommodate local concerns in these revised proposals. Photo: <a href="http://tiny.cc/e6tolx">http://tiny.cc/e6tolx</a> Documents: <a href="http://tiny.cc/vpvmxl">http://tiny.cc/vpvmxl</a> Note: Developer met with CGCA on 09-12-13 re: similar proposals (2013/7894/P) that LBC refused in May 2014.
3.6	236 Shaftesbury Avenue WC2H 8EG 2014/4130/P Bloomsbury Tavern/ <i>UK Broadband Ltd.</i> ; <i>Waldon Telecom Ltd.</i> ( <i>agent</i> )	Installation of 2 x microcells to elevations facing West Central Street & Shaftesbury Avenue, 1 x GPS antenna on West Central Street elevation, an equipment rack at basement level and associated works.	While the CGCA appreciates the need for improved network capacity and coverage in the area, we object to the use of a listed building as the location for the equipment, particularly as the equipment will be visible externally. The applicant should choose another building that is not listed and that does not contribute so prominently to the character of the conservation area. Photos: <a href="http://tiny.cc/pkvolx">http://tiny.cc/pkvolx</a> & <a href="http://tiny.cc/alvolx">http://tiny.cc/alvolx</a> Documents: <a href="http://tiny.cc/evvmlx">http://tiny.cc/evvmlx</a> Note: Listed building
<b>WESTMINSTER APPLICATIONS</b>			
3.7	10-11 Great Newport Street WC2H 7JA 14/07034/FULL C3/ <i>Aviva Life &amp; Pensions UK Ltd.</i> ; <i>Montagu Evans LLP</i> ( <i>agent</i> )	Variation of Conditions 1 and 13 of the planning permission dated 07-03-2014 (13/01265), namely, amendments to mansard roof design; revised extent of rooftop plant enclosure and location of PV panels in order to accommodate back up electricity generator; reduction in the number of flats from 15 to 14 and associated change in residential mix (3 x studios, 7 x 2 bed and 4 x 3 bed flats); amendments to internal layout at ground and basement level; revised private courtyard design to incorporate a rooflight in the courtyard at level 1; and amendment to ground floor entrance and retail frontage.	The CGCA is concerned about the impact of rooftop plant equipment, including the electricity generator, on neighbouring residents directly opposite this site. This is a highly residential area and the applicant has not provided an updated acoustic report that indicates whether the increased size of the plant enclosure results in any additional noise. Thus, to protect residential amenity, the CGCA requests that any permission granted includes the same noise-related conditions that WCC included in its decision for 13/01265/FULL, particularly that the applicant must get WCC's approval for a fixed maximum noise level. Additionally, the applicant has not updated its daylight/sunlight report to reflect the revised mansard roof design. Adjacent residents expressed concern about loss of daylight/sunlight with the previous application. The applicant must submit an updated report that satisfies officers that no loss of daylight or sunlight will occur as a result of the revised plans. Further, there must be no reduction in balcony screening from the consented scheme, in order to ensure there is no overlooking or loss of privacy for adjacent residents. Photo: <a href="http://tiny.cc/e2volx">http://tiny.cc/e2volx</a> Documents: <a href="http://tiny.cc/zvoilx">http://tiny.cc/zvoilx</a> Note: Original application on 25-03-13 agenda. CGCA's comments: No objection provided the officers are convinced that any possible overlooking issues onto existing neighbouring residential units has been appropriately dealt with by the applicant.
3.8	10-11 Great Newport Street WC2H 7JA 14/07035/FULL A3/ <i>Aviva Life &amp; Pensions UK Ltd.</i> ;	Variation to Conditions 1, 15 and 18 of planning permission dated 02-07-2013 (12/06317) namely, reconfiguration of lift and stair core, cycle storage and plant	See 3.7. Photo: <a href="http://tiny.cc/e2volx">http://tiny.cc/e2volx</a> Documents: <a href="http://tiny.cc/7hwmlx">http://tiny.cc/7hwmlx</a> Note: Original application was on 12-11-12 agenda. CGCA

	Montagu Evans LLP (agent)	accommodation at basement level, rationalisation of entrance lobby, reconfiguration of lift and stair core at ground floor level, rearrangement of plant enclosure and PV panels and revised access arrangement via new stair at roof level, revised design of the Great Newport Street elevation.	objected.
3.9	58 St Martin's Lane WC2N 4EA 14/07743/FULL Angel & Crown/CTIL & Telefonica UK Ltd.; Sitec Infrastructure Services Ltd. (agent)	Installation of one microcell antenna on front facade at first floor level and installation of communications plant in basement vaults.	While the CGCA appreciates the need for improved network capacity and coverage in the area, we object to the use of a listed building as the location for the equipment, particularly as the equipment will be visible externally. The applicant should choose another building that is not listed and that does not contribute so prominently to the character of the conservation area. Photo: <a href="http://tiny.cc/vswolx">http://tiny.cc/vswolx</a> Documents: <a href="http://tiny.cc/y0oilx">http://tiny.cc/y0oilx</a> Note: Listed building.
3.10	58 St Martin's Lane WC2N 4EA 14/05883/FULL Angel & Crown/Shaftebury; Rolfe Judd (agent)	Internal alterations at basement to first floor levels in relation to installation of a dumb waiter and internal and external alterations in relation to installation of extract duct to rear of building, including alterations to ground to first floor stairs.	No objection provided the following conditions are included to protect the amenity of adjacent residents: <ul style="list-style-type: none"> <li>• Noise emitted by the extraction and ventilation system does not exceed 10 decibels below background;</li> <li>• The applicant must submit details of the kitchen extract plant in the to WCC for approval before construction can occur;</li> <li>• The extract duct should not be in use between the hours of 23:00 and 07:00;</li> <li>• Equipment should be installed on anti-vibration mounts and odour from ventilation equipment should be monitored.</li> <li>• The applicant should be required to have at least annual maintenance performed on all equipment to ensure it is running effectively.</li> </ul> Photo: <a href="http://tiny.cc/vswolx">http://tiny.cc/vswolx</a> Documents: <a href="http://tiny.cc/jpwmlx">http://tiny.cc/jpwmlx</a> Note: Listed building.
3.11	30 Wellington Street 14/07102/FULL Cicchetti/Harnbury Holdings Ltd.; Carroll Design (agent)	Works at roof level comprising replacement of ductwork at rear of existing Air Handling Unit with new ducting to be routed through existing rooflight and installation of boiler flue.	The CGCA maintains its previous concern about the impact of noise on residential amenity, as the updated proposals do not appear to address this. We note that there are a large number of residents nearby. The proposed starting time of 03:00 will have a particularly negative impact on these residents.  The applicant's current noise report repeats the vague language from the previous proposals, namely that "if the design aim cannot be achieved via the selection of quiet plant alone, mitigation measures would be required," and particularly mentions providing an acoustic enclosures or silencers.  Should WCC be minded to approve the application, the CGCA insists on strict conditions that require the applicant to submit details of all equipment to WCC for approval. <ul style="list-style-type: none"> <li>• Noise emitted by equipment and vents used in the building should not exceed 10 decibels below background, equipment should be installed on anti-vibration mounts and odour from ventilation equipment</li> </ul>

			<p>should be monitored.</p> <ul style="list-style-type: none"> <li>• The applicant should be required to have at least annual maintenance performed on all equipment to ensure it is running effectively.</li> <li>• Additionally, the CGCA is greatly concern that the applicant's supporting documents state that "works have already commenced on site," as the applicant does not have permission to do so (see 5.4 in D&amp;A).</li> <li>• The extract duct should not be in use between the hours of 23:00 and 07:00 (DP28).</li> </ul> <p>Photo: <a href="http://tiny.cc/z8uolx">http://tiny.cc/z8uolx</a>  Documents: <a href="http://tiny.cc/34umlx">http://tiny.cc/34umlx</a>  Note: Previous application was on 26-05-14 agenda. CGCA objected. Application was withdrawn. (See 14/03028/FULL)</p>
3.12	14 Garrick Street WC2E 9BJ 14/07897/FULL B1/Capco	Installation of replacement plant equipment at first floor roof level and associated alterations.	<p>No objection, provided the equipment is turned off after business hours (from 21:00 through 07:00). Also, the applicant should be required to have at least annual maintenance performed on all equipment to ensure it is running effectively. Noise emitted by equipment should not exceed 10 decibels below background, equipment should be installed on anti-vibration mounts</p> <p>Photo: <a href="http://tiny.cc/c4wolx">http://tiny.cc/c4wolx</a>  Documents: <a href="http://tiny.cc/plwmlx">http://tiny.cc/plwmlx</a>  Note: Listed building</p>
3.13	27B Floral Street, WC2E 9DP 14/07284/TELCOM B1/MBNL; GVA (agent)	Installation of replacement telecommunications plant at rooftop level and associated works.	<p>No objection</p> <p>Photo: <a href="http://tiny.cc/ezuolx">http://tiny.cc/ezuolx</a>  Documents: <a href="http://tiny.cc/jswmlx">http://tiny.cc/jswmlx</a></p>
3.14	44 Maiden Lane WC2E 7LJ 14/07775/FULL B1/Capital & Counties; Gerald Eve (agent)	Use of basement, part ground and first, second, third and fourth floors from office (B1) use to residential flats (C3); external works including alterations to the roof form and installation of plant equipment; other associated works.	<p>The CGCA is concerned about the loss of more small office space in Covent Garden, and the applicant has not demonstrated why continued B1 use is not viable at this location in the heart of Covent Garden.</p> <p>However, if WCC are minded to permit the change of use, a condition must be included requiring the applicant to provide on-site refuse store. Residential rubbish being left on the pavement outside is not appropriate.</p> <p>To protect amenity of existing residents in adjacent flats, the applicant must comply with all mitigation measures set out in the noise report, particularly on page 23. The CGCA notes that local residents already must deal with noise and disturbance from servicing vehicles making deliveries to Caffè Nero at this premise at times outside of those permitted (such as at 3 a.m.). (The CGCA has notified WCC's Environmental Health team about this.)</p> <p>Photo: <a href="http://tiny.cc/oexolx">http://tiny.cc/oexolx</a>  Documents: <a href="http://tiny.cc/owwmlx">http://tiny.cc/owwmlx</a></p>

#### 4. Tables and Chairs

<b>CAMDEN APPLICATIONS</b>
None
<b>WESTMINSTER APPLICATIONS</b>

4.1	31-32 Bedford Street WC2E 9ED 14/05931/FULL Pasta Brown/Pasta Brown	Use of two areas of the public highway measuring 6m x 0.75m and 4m x 0.75m for the placing of five tables and 10 chairs.	No objection Photo: <a href="http://tiny.cc/lotolx">http://tiny.cc/lotolx</a> Documents: <a href="http://tiny.cc/ywoilx">http://tiny.cc/ywoilx</a> Note: Renewal. No change in use or hours: M-SA 12:00-23:00; SU 12:00-21:00.
4.2	38-40 Wellington Street WC2E 7BD 14/07824/TCH Boulevard Brassiere/ Maxwell's Restaurants Ltd.	Use of two areas of the public highway measuring 1.7m x 0.65m and 3.35m x 0.65m of the public highway for the placing of three tables and six chairs.	The CGCA has no objection to the continued use of tables and chairs or to the hours of operation from Monday through Saturday. However, to protect the amenity of the many residents in this area, the hours on Sundays should end at 21:00. Photos: <a href="http://tiny.cc/cttolx">http://tiny.cc/cttolx</a> & <a href="http://tiny.cc/vttolx">http://tiny.cc/vttolx</a> Documents: <a href="http://tiny.cc/3xoilx">http://tiny.cc/3xoilx</a> Note: Renewal. No change in use. Hours not listed. Current hours: M-SU 09:00-23:00.

**5. Other Business**

**6. Next meetings & future presentations**

6.1 22 September 2014

6.2 13 October 2014