

Minutes

Covent Garden Community Association

Planning Sub-Committee meeting held via email (9 April 2018)

www.CoventGarden.org.uk



TheCGCA



@TheCGCA

1. Attendance

1.1 **Comments received:** Elizabeth Bax (chair), David Bieda, Shirley Gray, Selwyn Hardy, Amanda Rigby, Rhu Weir

1.2 **Apologies received:** Jane French, Richard Hills

2. **Presentations:** None scheduled

3. Planning Applications & Appeals

	Address & Application No.	Proposal	Comments
CAMDEN APPLICATIONS			
3.1	182-184 High Holborn WC1V 7AP 2018/1322/P Mixed/ <i>Gerald Eve (agent)</i>	Details pursuant to condition 3a (windows, piers, grills, louvres, canopies, external doors and gates) of planning permission reference 2016/5141/P granted on 22/03/2017.	No comment Comments by 19-04-18 Photo: https://goo.gl/dQRHoX (from 2016) Documents: https://goo.gl/2AKbzS Note: On 10-10-16 agenda.
WESTMINSTER APPLICATIONS			
3.2	15A New Row WC2N 4PD 18/01700/FULL <i>Old Chang Kee (A3)/Future Planning and Development (agent)</i>	Replacement shopfront.	The CGCA objects to an openable shopfront, which is what will result from the openable sash windows, particularly as the applicant states this is the purpose in the Design & Access Statement. The CGCA strongly objects to any features that would result in an openable shopfront. Further, the restaurant is surrounded by residential units, thus sounds emanating from the restaurant when the windows are open will result in noise and disturbance for residents in the conservation area. Thus, a condition requiring the windows to be fixed shut should be included. There is precedent for such a condition and in similar situations. For example, see 16/06316/FULL and 13/04/2015. Westminster planning policy opposes folding and openable shopfronts. See ENV6-9.108; DES5(c); and "Shopfronts, Blinds and Signs" supplementary planning guidance, which specifies that "this type of shopfront will be discouraged." 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. The CGCA also notes that Westminster has consistently refused permission for similar requests (for example, see 14/07107/FULL; 15/03108/FULL; 15/07688/FULL; 16/01981/FULL; 17/03705/FULL; among others).

			<p>Comments by 22-04-18 Photo: https://goo.gl/H8MjGa Documents: https://goo.gl/bBm6Cf Note: M-SU 11:00-23:00</p>
3.3	<p>Ground Floor 11-13 Broad Court WC2B 5QN 18/02364/FULL B1/Smith's of Covent Garden; Albany Surveyors (agent)</p>	<p>Use of ground floor as residential (Class C3)</p>	<p>No objection Comments by 03-05-18 Photo: https://goo.gl/fm3Mmp Documents: https://goo.gl/aUMr58 Note: Grade II-listed building</p>
3.4	<p>41 Kingsway WC2B 6TP 18/02441/FULL B1/Ellic UK Ltd.; JLL (agent)</p>	<p>Use of first to seventh floors as a hotel (Class C1) and as a restaurant (Class A3) at ground floor and basement level, extension in the rear light well at first to seventh floors, extension and new dormer windows at seventh floor, installation of new shopfronts and doors and signage zones at ground floor level, installation of mechanical plant at podium and roof level and installation of an extract duct to the rear elevation</p>	<p>The CGCA's primary concern regarding the change of use from B1 to C1 and the introduction of a ground-floor A3 restaurant use is the impact on local residents and residential amenity. Whilst the address for this building is Kingsway, the building actually has as much of a presence on Kemble and Kean streets, both of which are quiet, residential streets in the conservation area. Many long-time residents live adjacent to the proposed hotel and restaurant.</p> <p>The change of use from B1 office to C1 hotel and A3 restaurant would represent a significant change in the use patterns, including hours of use, of the building, and this would have an impact on both local residents and the conservation area.</p> <p>Our concerns relate primarily to the impact on local residents from noise and disturbance caused by customers of the restaurant and the hotel, as well as by the increased volume of servicing and deliveries that would be needed given the proposed uses.</p> <p>The potential impact on local residents from guests coming and going could be significant. Hotel and restaurant use differ from the existing B1 use, when office workers are on-site during the weekday, and not at night or on the weekends. Also, office workers do not constantly come and go throughout the day. Given this, the intensification of use and expansion of hours of use would have a detrimental impact on local residents and their amenity, particularly those in Kean Street who are directly adjacent to the proposed hotel and ground-floor A3 use. Many of these residents, including families, have lived in Kean Street for a very long time. Kean Street is one of the rare streets in Covent Garden with minimal commercial use. Other than a few offices (B1) – many of which only back onto Kean Street as they have an entrance on Kingsway – the street is in residential use. After standard working hours (e.g. 18:00 Monday-Friday), Kean Street is very quiet and is a respite from the din of Kingsway. Residents also live adjacent to the applicant's property in Kemble Street and in nearby Wild Street.</p>

			<p>The Council previously approved use of 14 residential units (C3) (16/12156/FULL) at this site, and this would have a less-intensive use. Visitors also aren't invested in the community as residents would be, thus concern about noise and disturbance are more justified with visitor accommodation use.</p> <p>The Council agreed with the CGCA's concerns about impacts on local residents and the conservation area, and in the existing permission required several conditions to protect residential amenity. The CGCA believes these conditions should be carried over to any new permission granted, particularly:</p> <ul style="list-style-type: none"> • Condition 8: You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. • Condition 14: You must not sell any take-away food or drink on the premises, even as an ancillary part of the primary Class A3 use. • Condition 18: 18 The design and structure of the development shall be of such a standard that it will protect residents in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. • Condition 19: Apart from the entrances to the restaurant annotated on the approved drawings, the ground-floor windows shall be fixed permanently shut. • Condition 20: No live or recorded music shall be played in the Class A3 restaurant that is audible outside of the premises. • Condition 22: The commercial plant/machinery hereby permitted that will service the restaurant shall not be operated except between 07.00 hours and 21:00 daily. • Condition 27/Informative 15: All servicing and collections must be done by small vans and not large lorries. • Additionally, to protect the amenity of adjacent residents, the following should be included as conditions as well: • Customers should not be permitted into the A3 premises before 08:00 or after 21:00 each day. If the use truly is café use, and not restaurant use, the hours do not need to extend beyond this. • No primary cooking should be done on site. • No tables, chairs or other street furniture should be permitted on the public highway. • The applicant should keep the public highway clear from rubbish, such as cigarette butts, left by customers. • The applicant should post signs as well as verbally tell customers upon check-in that they are not to congregate in Kean Street.
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			<ul style="list-style-type: none"> All windows in the lightwell that face existing residential windows should be nonopenable. Coaches must use the existing coach parking in Kingsway. Coach parties should be met by a concierge. 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>Comments by 03-05-18 Photo: https://goo.gl/frGe9y Documents: https://goo.gl/Lm6x9c Note: Applicant presented proposals for a pod hotel on 26-02-18. This application was withdrawn. 17/11396/FULL (for pod hotel) was on 22-01-18 agenda. CGCA objected to the proposed change of use to tourist hostel accommodation.</p>
3.5	85-89 St Martin's Lane WC2N 4AU 18/02228/LBC Noel Coward Theatre/ <i>The Hickson Design Partnership Ltd. (agent)</i>	Improvements to carrara marble steps to principle entrance and to portland stone steps, and thresholds as well as concrete thresholds to the building. Addition of two brass hand rails to principle entrance steps.	No objection Comments by 04-05-18 Photo: https://goo.gl/ckcgRt (D&A Statement) Documents: https://goo.gl/R7Gpcf Note: Grade II*-listed building

4. Tables and Chairs

CAMDEN APPLICATIONS			
4.1	34 Great Queen Street WC2B 5AA 2018/1638/TC The Black Penny	4 tables, 8 chairs & 2 heaters	<p>The CGCA objects to the number of tables and chairs, given the depth of the pavement, the positioning of the tables and chairs, and the high pedestrian volume at this site, which is the primary route between Holborn station and Covent Garden. As stated in CPG5.14, tables and chairs create problems for pedestrians because of obstruction of the public highway, particularly when chairs are positioned to back into the pavement and then pushed into the flow of pedestrian traffic. Once seated, customers push the chairs further into the pavement, leaving less than the required minimum clear width of 1.8 metres and creating an impediment for pedestrians and those in wheelchairs and pushing prams. The CGCA also objects to the proposed starting time for tables and chairs. This area has many residents, with more being added with consented office-to-residential applications. The start time for tables and chairs use should be limited to Camden's framework hours, which begin at 09:00.</p> <p>Comments by 02-05-18 Photo: https://goo.gl/62Hlbr (from 2017) Documents: https://goo.gl/TKCEAK Note: Renewal. No change in use or hours: M-F 08:00-18:00; SA-SU 09:00-17:00. 2017/2230/TC 08-05-17 agenda.</p>
4.2	105 Kingsway WC2B 6QY	4 tables & 16 chairs	No objection Comments by 02-5-18

	2018/1627/TC Eat/Eat Ltd.; BA Law (agent)		Photo: https://goo.gl/IG1J2u (from 2017) Documents: https://goo.gl/JRZyBw 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. 2017/1828/TC on 10-04-17 agenda. CGCA had no objection.
4.3	114/116 Charing Cross Road WC2H 0JR 2018/1621/TC Chipotle Mexican Grill/ Woods Whur 2014 Ltd.	2 tables & 4 chairs	The CGCA questions the applicant's measurements. Litchfield Street is a narrow passageway with a width that accommodates two people. No more than two tables and four chairs should be permitted and the street furniture must be configured as indicated on the proposed drawing. The tables and chairs should not be positioned side by side. Comments by 02-05-18 Photo: https://goo.gl/5JYWFW (from 2017) Documents: https://goo.gl/czhdAC Note: Renewal. No change in use or hours: M-TH 11:00-23:00; SA 11:00-23:30; SU 11:00-22:30. 2017/1339/TC on 13-03-17 agenda.
4.4	Basement & Ground Floor 63 Endell Street WC2H 9AJ 2018/1435/TC Da Mario/Da Mario Restaurant	4 tables, 14 chairs, 1 umbrella & 2 barriers	The CGCA objects to the proposed drawing, which shows chairs backing into the public highway (tables three and four). As stated in CPG5 6.10 and 6.14, tables and chairs create problems for pedestrians, particularly those with disabilities, because of obstruction of the public highway. This is particularly the case when chairs are placed in such a configuration that they back into the public highway, which reduces the clearance available for pedestrians, and particularly prams and wheelchairs, to safely pass. This can result in a health and safety issue if, in particular, pedestrians are forced to walk in the road. Tables three and four should be reconfigured so that they no longer have chairs that back into the public highway (such as by turning the tables 90 degrees). The CGCA also objects to the proposed hours, which are in violation of Camden's tables and chairs policy. This location is not designated as a predominantly commercial street in the Central London area, a major town centre or a district centre, and thus hours should be limited to 21:00 unless the Council specifies that exceptional circumstances exist. If the Council permits hours later than 21:00, the CGCA requests notification of what these exceptional circumstances are. Comments by 18-04-18 Photo: https://goo.gl/wVpzoV (from 2017) Documents: https://goo.gl/oWbrFw Note: Renewal. No change in use or hours: M-SA 10:00-22:30. 2017/1612/TC on 27-03-17 agenda.
4.5	16 & 18 Endell Street WC2H 9BD 2018/1555/TC The 10 Cases	10 tables and 30 chairs	The CGCA strongly objects to the excessive amount of street furniture proposed, as the number of tables and chairs is inappropriate in the conservation area and given the limited clearance on the pavement. As proposed, one-third of the chairs will back into the public highway, resulting in a dangerous obstruction for pedestrians. The CGCA believes a site visit by a Camden officer is needed, as the applicant has a history of diligently complying with the proposed and approved layouts whilst their application is being considered. Once they've secured permission, the applicant allows customers to place tables and chairs well into the public highway, with much less than

			<p>the required 1.8m clearance available.</p> <p>As proposed, the measurements in this small space are so tight that the slightest movement by staff or customers will conflict with Camden's policies. Given that the applicant's drawings include the chairs pushed under the tables further than they will be once customers are seated, the layout as proposed, as well as the measurements, are unrealistic.</p> <p>The CGCA has witnessed pedestrians being forced to walk in the road, which has a constant stream of vehicular traffic, because of the reduced and obstructed space on the public highway.</p> <p>The layout also fails to include a second sign post directly in front of the shopfront. A bicycle is usually attached to the post (the cycle is typically for a food-delivery service that uses the restaurant). Additionally, a menu board and servicing cart are sometimes placed in the public highway, as well.</p> <p>Tables and chairs create problems for pedestrians, particularly those with disabilities, because of obstruction of the public highway. This is particularly the case when chairs are placed in such a configuration that they back into the public highway, which reduces the clearance available for pedestrians, and particularly prams and wheelchairs, to safely pass. This can result in a health and safety issue if, in particular, pedestrians are forced to walk in the road.</p> <p>The applicant has identified an area of the public highway as private forecourt, but the CGCA challenges this designation. Camden has maintained this part of the public highway for more than 20 years, thus by policy it is not considered private forecourt.</p> <p>Further, the proposed hours 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 Endell 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>The CGCA recommends that permission should be granted for no more than 6T and 12CH, with the chairs pushed against the shopfront (e.g., not backing into the public highway).</p> <p>Comments by 25-04-18</p> <p>Photo: https://goo.gl/CqTirP (from 2016)</p> <p>Documents: https://goo.gl/shfr1p</p> <p>Note: New application. Proposed hours: M-SA 08:00-22:30; SU 08:00-22:30.</p>
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WESTMINSTER APPLICATIONS

4.6	13 Slingsby Place London WC2E 9AB 18/02121/TCH	Use of the courtyard area to the front of unit 28 (13 Slingsby Place/St Martins Courtyard) for the placing of 10 tables, 20 chairs, two parasols, four external heaters, four statues, 29 planters and a free-standing menu box.	<p>The CGCA is concerned Slingsby Place and St. Martin's Courtyard will become saturated with outdoor furniture, given the recent permission granted for 17/10999/FULL and 17/11001/FULL, among others. Given this, the amount of outdoor seating proposed in this application seems excessive.</p> <p>The CGCA also objects to the proposed change in hours and we note that the Council refused permission for an 8 a.m. start time in 2016 (see 16/05501/FULL). Slingsby Place is a residential area, as it consists of residential on the upper floors, including directly adjacent to this location. An 8 a.m. start time would result in noise and disturbance that would have a negative impact on their amenity, particularly as the applicant's staff already noisily puts the street</p>
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furniture out before 9 a.m.

As discussed in Westminster's policy and planning guidance, tables and chairs can cause problems when located near residential accommodation. T&CH also can create problems for pedestrians because of noise from outside diners and drinkers. Noise from tables and chairs is particularly amplified at this location because of the cavernous, echo effect.

We note that the Councils Licensing Guidelines for the placing of Tables and Chairs on the Highway: 2(e) states that the placement of tables and chairs should consider the likely effect that this will have on surroundings residents, businesses and the amenity of the area, and limit the hours they will be out accordingly. The current start time of 9 a.m. is more appropriate.

In the officer's report for the previous application, the officer noted that, "Given the local objection raised and because of the close proximity of residential windows, it is considered unacceptable to extend the hours of use of the tables and chairs to 8 am." There have been no changes in Slingsby Court that warrant altering the Council's previous decision.

Comments by 25-04-18

Photo: <https://goo.gl/pqskoY>

Documents:

Note: Renewal. Change in use. Previously nine tables, 22 chairs, two umbrellas and four planters. Change in hours: Proposed hours: M-SU 08:00-23:00. Previous hours M-SU 09:00-23:00.

18/00103/TCH (for six tables, 20 chairs, 32 planters and three external heaters) on 12-02-18 agenda. CGCA's comments (application was withdrawn):

5. Other business

6. Next meetings & future presentations

- 6.1 23 April
- 6.2 14 May
- 6.3 28 May (will be rescheduled due to Bank Holiday)