

## Minutes

### Covent Garden Community Association

Planning Sub-Committee meeting held on Monday, 10 August 2015  
at 17:30 at Covent Garden Community Centre (Shelton Room), 42 Earlham Street WC2H 9LA

www.CoventGarden.org.uk



TheCGCA



@TheCGCA

#### 1. Attendance

**1.1 Present:** Jo Weir, Shirley Gray, Selwyn Hardy, Gary Hayes, Christina Smith, Meredith Whitten

**1.2 Apologies received:** Elizabeth Bax, Richard Hills, David Kaner, Kester Robinson, Rhu Weir

**1.3 Comments received:** Elizabeth Bax, David Kaner, Kester Robinson, Rhu Weir

#### 2. Presentations: None

#### 3. Planning Applications & Appeals

	Address & Application No.	Proposal	Comments
<b>CAMDEN APPLICATIONS</b>			
3.1	65-75 Monmouth Street WC2H 9DG 2015/4075/P B1/Shafesbury; Rolfe Judd (agent)	Change of use of part second, part third and fourth floors from office (Class B1) to 4 self-contained flats (3 x 1-bed, 1 x 2-bed) (Class C3); change of use of part basement, part ground and part first floors from retail (Class A1) and office (Class B1) use to a flexible use for retail (Class A1) or restaurant (Class A3) use; change of use from office entrance (Class B1) at ground floor (No.69 Monmouth Street) to create new retail (Class A1) unit and frontage; external alterations to Shelton Street to create new residential and office entrance; and associated internal and elevational alterations.	<p>The CGCA objects to the proposals for dual A1/A3 use. Granting the applicant permission to potentially change use at some point in the future without the need to apply for planning permission or consult with neighbouring residents at that time effectively removes this premise from planning control.</p> <p>The impacts on local residents of A1 and A3 use vary significantly, such as with noise and disturbance, odours, and servicing and delivery needs.</p> <p>The CGCA questions how affected residents can raise their concerns and be consulted on such changes if there is no planning application on which to consult. Similarly, how can Camden enforce its policies or respond to a complaint when an applicant has such wide leeway in regards to the type of development permitted at any time?</p> <p>We also note that the applicant's noise report specifies that the extract fan would only run during daytime hours. The CGCA finds this unlikely should A3 use be implemented.</p> <p>The CGCA also questions the need for an additional restaurant, as the area is already saturated with A3 use. Additionally, the CGCA maintains the comments we submitted regarding 2015/2738/P and 2015/1991/L.</p> <p>Comments by 20-08-15 Photo: <a href="https://goo.gl/M9gMSp">https://goo.gl/M9gMSp</a> Documents: <a href="http://goo.gl/5081ej">http://goo.gl/5081ej</a> Note: Listed building. On 29-05-15 agenda. AR submitted CGCA's comments.</p>
3.2	33 Betterton Street WC2H 9BQ 2015/3248/P &	Alterations to front elevation at ground floor level, insertion of pavement rooflight and railings, and associated internal and external alterations	Whilst the CGCA has no objection in principle, we are concerned that the proposed layout of the basement does not comply with building regulations, namely that the fire escape from the

	2015/4236/L C3/Tasou Associates (agent)	including extension at rear basement level to ground and basement floor maisonette (Class C3).	basement is compromised.. Comments by 20-08-15 Photo: <a href="https://goo.gl/y1j52T">https://goo.gl/y1j52T</a> Documents: <a href="http://goo.gl/ihVpb0">http://goo.gl/ihVpb0</a> Note: Listed building
3.3	1-19 New Oxford Street WC1A 1NQ 2015/4046/P Various/TIAA Henderson Real Estate; DP9 Ltd. (agent)	Details of secure and covered cycle parking space as required by condition 9 of planning permission 2014/4983/P dated 30-01-15 for extensions and change of use to Commonwealth House.	No objection. The CGCA welcomes the proposals for additional cycle spaces. Comments by 26-08-15 No photo Documents: <a href="http://goo.gl/UJIS2m">http://goo.gl/UJIS2m</a>
<b>WESTMINSTER APPLICATIONS</b>			
3.4	15 King Street WC2E 8HN 15/04072/FULL Claudie Pierlot (A1)/SMCP UK Limited; Fabien Marcque Design (agent)	Installation of an air-conditioning condenser unit behind window opening at rear lower ground-floor level and associated louvres.	No objection, provided the hours proposed by the applicant are restricted by condition. Specifically, the condenser should be permitted to run only Monday-Saturday 09:30-17:00 and Sunday 09:30-16:00, as stated by the applicant. Measurements in the noise report were taken only during these hours, so any extension of the hours would require a revised acoustic investigation. Additionally, any permission granted must require the applicant to have at least annual maintenance performed on all equipment, including ducting, to ensure it is running effectively and is not causing disturbance to nearby residents or to users of St. Paul's Churchyard, or exceeding 10 decibels below background. Comments by 13-08-15 Photo: <a href="https://goo.gl/qvXI1P">https://goo.gl/qvXI1P</a> Documents: <a href="http://goo.gl/n2GWBM">http://goo.gl/n2GWBM</a> Note: Listed building
3.5	38 St Martin's Lane WC2N 4ER 15/05618/FULL Vacant (A3)/Shaftesbury; Rolfe Judd (agent)	Alterations to the ground floor frontage.	Objection. The proposed shopfront, including the four-pane front windows, for this Unlisted Building of Merit is too modern and is out of keeping with the rest of the building, the shopfronts on either side of this building on St. Martin's Lane, and the Trafalgar Square Conservation Area (in which this shopfront lies) and the Covent Garden Conservation Area (this shopfront lies just metres from the CG conservation area's boundary). Westminster's UDP Policy DES 5 specifies that planning permission will only be granted for new shopfronts "where they relate satisfactorily to the design of the upper parts of the building, and where they would not displace existing shopfronts which are locally distinctive or characteristic." Further, 10.57 says: "Replacement shopfronts should be designed and detailed so that the ground floor relates satisfactorily to the elevational design of the upper parts of the building." Comments by 13-08-15

			Photo: <a href="https://goo.gl/HiN1aA">https://goo.gl/HiN1aA</a> Documents: <a href="http://goo.gl/yXF5WV">http://goo.gl/yXF5WV</a>
3.6	Orion House 5 Upper St Martin's Lane WC2H 9EA 15/05804/FULL Starbucks/Starbucks Coffee Co (UK) Ltd; Pegasus Group	Variation of Conditions 7 and 9 of planning permission dated 17-04-13 (13/01238), namely, to extend hours of servicing from 06.30 to 23.00 (seven days per week) and hours of operation from 06.30 to 23.00 hours (seven days per week).	<p>Objection. Permitting the variations of conditions 7 and 9 will increase public nuisance in what is currently a quiet part of the West End Stress Area and cause significant noise nuisance to residents in the adjoining residential block. This will be result from people arriving and leaving in the later part of the evening. It was this concern that caused the planning condition to be placed on the premises. Nothing has changed to merit removal of the condition. Indeed, the area is highly residential, with residents' windows at Sandringham Flats directly overlooking this site.</p> <p>Whilst the hours applied for are within core hours this type of premises, in this location, should not be permitted to take advantage of the Stress Area policies related to restaurant use. The CGCA does not see how a premise without planning permission for A3 use and without any substantive kitchen facilities can be regarded in the same way as a restaurant serving full table meals. If granted, the corresponding license for these proposals would make this location the only Starbucks serving alcohol in Covent Garden, which is a dangerous precedent to set.</p> <p>The applicant states that the area is well-established as an area of off-street servicing. However, this does not mean that increasing the intensity of use or extending the hours of use will not have a significantly negative impact on residents, who already are bombarded with noise from servicing and deliveries for other restaurants in the area.</p> <p>If Westminster is minded to must permission, the hours of servicing to be restricted in order to prevent additional disturbance through the noise caused by this activity. The hours of servicing (deliveries and collections) should be restricted to 08:00-21:00 daily.</p> <p>Comments by 13-08-15 Photo: <a href="https://goo.gl/2T5VJn">https://goo.gl/2T5VJn</a> Documents: <a href="http://goo.gl/PGqKqP">http://goo.gl/PGqKqP</a> Note: Condition 7 limits servicing to 0800 -2100. Condition 9 limits opening hours to 0800 -2100.</p>
3.7	39 Long Acre WC2E 9JT 15/06207/FULL B1/CgMs Consulting (agent)	Infill of rear lightwell at basement and ground-floor level, with new spiral stair. Erection of rear extensions at first-, second- and fourth-floor levels with associated terraces at first-, second- and third-floor levels. Installation of plant within enclosures and rooflights at roof level. Installation of cat ladder to rear elevation, and associated alterations to emergency escapes. Alterations to windows and doors. All in association with the use of the first,	<p>No objection, provided the planning officer is satisfied that the applicant's updated proposals adequately address the concerns specified in pre-application discussions. The CGCA is pleased to see that the applicant has made efforts to accommodate the concerns.</p> <p>Also, any permission granted must require the applicant to have at least annual maintenance performed on all rooftop plant equipment, including ducting, to ensure it is running effectively and is not causing disturbance to nearby residents or exceeding 10 decibels below</p>

		second, third and fourth floors as residential (Class C3) comprising of 2x1 bed flats, 1x2 bedroom flat and 1x3 bedroom flat. Use of basement and ground floors as retail (Class A1).	background. The CGCA notes that this section of Long Acre is becoming increasingly residential, with proposals for conversion to C3 on either side of this site and, thus, ensuring that all plant equipment is operating efficiently and appropriately is critical. Comments by 18-08-15 Photo: <a href="https://goo.gl/nk3WWf">https://goo.gl/nk3WWf</a> Documents: <a href="http://goo.gl/RVhyAd">http://goo.gl/RVhyAd</a>
3.8	Carriage Hall, 28, 30 And 29 Floral Street And 19-25 Long Acre WC2E 9DP 15/05970/FULL Various/Capco; Gerald Eve (agent)	Variation of Condition 1 of planning permission dated 16-07-14 (13/05176), namely, omission of; pavilion, basement excavation and new facade to Conduit Courtyard, of extension to first floor terrace on Banbury Court and of shop unit and shopfront at 31 Floral Street. Raising of ground floor. External modifications to Conduit Court, including retention of part existing masonry wall and single storey access to basement, and provision of level thresholds. Additional fabric removal to rear openings and party wall below the existing slate roof to incorporate new portal frame to the east opening at second floor level.	<i>Deferred pending more information</i> Comments by 20-08-15 No photo Documents: <a href="http://goo.gl/6EY2I7">http://goo.gl/6EY2I7</a>
3.9	19A, 22-25 Floral Street And 34 Rose Street, 27-28 And 31, 32 King Street WC2E 9DS 15/06461/FULL Various/Capco; Gerald Eve (agent)	Variation to Condition 1 & 35 of planning permission dated 16-07-14 (13/05128), namely, to make amendments to 19a Floral Street, including alterations to windows, replacement of existing mansard roof, increase rear parapet height, increase plant screen height and to make alterations to the roof plant enclosures.	The CGCA does not object to these variations, provided the officer is satisfied that residents will not be adversely affected, and Westminster has consulted with residents, including 16 Floral Street. Comments by 24-08-15 No photo Documents: <a href="http://goo.gl/dcJ7Fz">http://goo.gl/dcJ7Fz</a>
3.10	8 Exchange Court WC2R OPP 15/05601/FULL B1/AG&G Ltd.; Icen Projects Ltd. (agent)	Dual alternative use of the basement to second floors for either office (Class B1a) purposes or residential (Class C3) to create 2 x 1 bed flats and 1 x 2 bed flat. Erection of an additional floor and associated external alterations.	Objection. The proposed massing and height of the additional floor is too much for this narrow, densely developed alleyway. The CGCA is concerned about the impact on existing residents, including daylight and sunlight impacts (the applicant's documents only refer to daylight and sunlight at the proposed development, not to the impact on neighbouring properties). Comments by 24-08-15 Photos: <a href="https://goo.gl/okTGOD">https://goo.gl/okTGOD</a> & <a href="https://goo.gl/13p8cD">https://goo.gl/13p8cD</a> Documents: <a href="http://goo.gl/25G7v8">http://goo.gl/25G7v8</a>
3.11	11 West Street WC2H 9NE 15/06223/FULL C3/Soho Housing Association; name: Jon Dingle Ltd. (agent)	Installation of air conditioning plant within rear basement light well, alterations to rear windows and alterations to balustrade at third and fourth floor.	No objection. The CGCA welcomes the applicant's use of energy-efficient plant. Comments by 25-08-15 Photo: <a href="https://goo.gl/DXA0n0">https://goo.gl/DXA0n0</a> Documents: <a href="http://goo.gl/kLVGHs">http://goo.gl/kLVGHs</a>

#### 4. Tables and Chairs

CAMDEN APPLICATIONS			
4.1	51 New Oxford Street WC1A 1BL 2015/4400/TC The Crown Public House/ <i>Anthony Wild (agent)</i>	9 tables, 45 chairs and 12 barriers	<p>Whilst the CGCA has no objections, we suggest that planter boxes would be a more welcome use than barriers at this location. Planter boxes would serve the same purpose as barriers, but are more aesthetically pleasing and would introduce greening to this area along Shaftesbury Avenue.</p> <p>Comments by 28-08-15</p> <p>Photo: <a href="https://goo.gl/SXQSxT">https://goo.gl/SXQSxT</a></p> <p>Documents: <a href="http://goo.gl/RGmR36">http://goo.gl/RGmR36</a></p> <p>Note: Renewal. Proposed hours: M-SA 11:00-23:00; SU 11:00-22:30. On 13-07-15 agenda, with nine barriers. CGCA had no objection.</p>
WESTMINSTER APPLICATIONS			
4.2	23 Garrick Street WC2E 9AX 15/05202/TCH Sesame (A1/A3/A5)/ <i>Ottolenghi; Rolfe Judd (agent)</i>	Use of the public highway for the placing of two bench seats each measuring 1.2m x 0.3m outside the premises on the public highway.	<p>Objection. The pavement is too narrow on this side of Garrick Street to accommodate benches of any kind. Additionally, pedestrian flow is extremely high at this location between the Covent Garden Piazza and Leicester Square. Westminster policy requires factors other than pavement width – such as pedestrian volume – to be considered in determining permission for tables and chairs (or benches). The applicant also has not included any measurements on the proposed plans and, thus, the application should be considered invalid.</p> <p>The CGCA also is quite concerned by the applicant's statement that the benches are for alfresco dining, when there are no tables, only seating. This, combined with the proposed late-night hours, means that people coming from Leicester Square late at night will use the benches. Although the applicant has permission for A5 use, Westminster has consistently held to its policy that tables and chairs are for customers dining in, not for use by takeaway customers.</p> <p>The CGCA also objects to the proposed hours, which are much too late and would result in significant disturbance to local residents, including those directly adjacent to this location. Westminster's table-and-chairs policy requires officers to take into account the likely effect on local residents and the general amenity of the area when determining hours. Westminster policy clearly states that the Council will not normally allow tables and chairs to remain on the highway after 23:00.</p> <p>Comments by 13-08-15</p> <p>Photo: <a href="https://goo.gl/LorsOS">https://goo.gl/LorsOS</a></p> <p>Documents: <a href="http://goo.gl/9SrTTL">http://goo.gl/9SrTTL</a></p> <p>Note: New application. Proposed hours: M-SU 09:00-00:00.</p>
4.3	19 Tavistock Street WC2E 7PA 15/05740/TCH <i>Cote/Cote Restaurants Limited; Poppleston Allen Solicitors (agent)</i>	Use of the public highway in two areas fronting Catherine Street (8.7m x 1m) and Tavistock Street (11m x 0.7m) for the placing of 9 tables and 18 chairs.	<p>Whilst the CGCA does not object to the layout as proposed, the applicant has consistently been in breach of permission granted for this layout. The CGCA objects to the continued use without permission of a table and chairs at the corner location as well as the use of a waiter station, as shown in the attached photos. The applicant does not have current permission for a table and chairs at this position or a waiter station on the public highway, and has been advised on multiple occasions to remove the table and chairs from this position as well as the waiter station.</p> <p>In July 2014, Westminster notified the applicant to remove the table and chairs and the officer found that tables and chairs were inappropriate at this location (see 14/05843/TCH officer's report). Also, CGCA notes that the applicant was refused permission for a table and two chairs in the middle location in 2013 as well (13/07857). Nothing has changed since then to merit adding another table and</p>

			<p>chair to this busy location in Covent Garden near the Piazza. We note that WCC's Highways Planning Manager objected to the previous application, as well.</p> <p>In the 2014 permission, the owner was also told, via informative, that permission did not include a waiter station or A-boards. As the photos show, the applicant continues to use a waiter station on the Tavistock Street elevation. The informative tells the owner that Westminster will monitor this development and take enforcement action if planning permission is breached, including securing the removal of the table and chairs. The applicant continues to disregard current consent and has even placed more chairs at this position than at other tables along the frontage.</p> <p>Comments by 13-08-15  Photo: <a href="https://goo.gl/FaSlah">https://goo.gl/FaSlah</a>  Documents: <a href="http://goo.gl/R6qwcj">http://goo.gl/R6qwcj</a>  Note: Renewal. No change in use or hours (M-SU 08:00-23:00).</p>
4.4	2A Garrick Street WC2E 9EB 15/05404/TCH Carluccio's/ <i>Carluccio's Ltd.</i>	Use of an area of the public highway measuring 17.1m x 0.8m for the placing of eight tables and 16 chairs.	Objection. Although there is a 2m clearance on the public highway at this location, Westminster's tables-and-chairs policy calls for other factors to be considered, as well, including volume of pedestrian traffic. This location at a busy junction near the Covent Garden Piazza experiences consistently high volumes of footfall. Additionally, its location at a busy staggered crossing results in large number of pedestrians standing directly in front of the tables and chairs, causing further obstruction on the public highway. Comments by 13-08-15 Photos: <a href="https://goo.gl/xxMa8k">https://goo.gl/xxMa8k</a> & <a href="https://goo.gl/p7cF8M">https://goo.gl/p7cF8M</a> Documents: <a href="http://goo.gl/DfOeY2">http://goo.gl/DfOeY2</a> Note: Renewal. No change in use or hours (M-SA 09:00-23:00; SU 09:00-22:00). CGCA objected to previous application.
4.5	33-35 Wellington Street WC2E 7BN 15/05445/FULL Byron/ <i>Byron Restaurant; Bidwells (agent)</i>	Use of the public highway for the placing of three tables and six chairs in an area measuring 1m x 6.4m.	Objection. The pavement at this high-traffic area near the Covent Garden Piazza is too narrow to accommodate tables and chairs, and Westminster's tables-and-chairs policy calls for factors other than pavement width to be considered, particularly volume of pedestrian traffic. The applicant refers to Westminster's required "free footway" of 1.8m; however, Westminster requires 2m. Comments by 13-08-15 Photo: <a href="https://goo.gl/kOd0IK">https://goo.gl/kOd0IK</a> Documents: <a href="http://goo.gl/1ZqD3G">http://goo.gl/1ZqD3G</a> Note: Renewal. No change in use or hours (M-SU 11:00-23:00).
4.6	18 Charing Cross Road WC2H 0HR 15/05414/TCH Gelati (A1)/ <i>RG Associates (Surveying) Ltd. (agent)</i>	Use of the public highway for the placing of one table and two chairs in an area measuring 1.6m x 0.9m.	Objection. The pedestrian traffic volume at this location on Charing Cross Road between Trafalgar Square and Leicester Square is amongst the highest in Covent Garden and, thus, this location is inappropriate for tables and chairs. Westminster's tables-and-chairs policy calls for factors other than pavement width to be considered and this includes volume of pedestrian traffic. The applicant's drawing fails to include other obstacles on the pavement, including a tree and a phone box. Further, the drawing does not give an overall measurement of the pavement. Comments by 24-08-15 Photos: <a href="https://goo.gl/3MSYy2">https://goo.gl/3MSYy2</a> & <a href="https://goo.gl/N79FKq">https://goo.gl/N79FKq</a> Documents: <a href="http://goo.gl/fH6pql">http://goo.gl/fH6pql</a> Note: New application (previous permission in 2002 expired and application in 2004 was refused). No hours listed.

4.7	25 Slingsby Place WC2E 9AB 15/05149/FULL Dalla Terra/ <i>Dalla Terra Wine Bar Ltd.</i> ; <i>Monmouth Planning Ltd.</i> (agent)	Use of an area measuring 3.5m x 11m for the placing of 4 tables and 16 chairs for a further 24 months until 30th June 2017.	<p>Objection. The CGCA does not object to the use of tables and chairs, however, we do object to the hours. Hours must be limited to 21:30 to protect the amenity of residents, of which there are many in Slingsby Place, including directly adjacent to this location. T&amp;CH have a negative impact on residents 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. Thus, the hours must be restricted to 21:30.</p> <p>Additionally, the CGCA continues to object to the two large A-boards the applicant uses without permission. This additional street furniture further obstructs the pavement and contributes to clutter in this residential area.</p> <p>Comments by 24-08-15</p> <p>Photos: <a href="https://goo.gl/HdDQ5t">https://goo.gl/HdDQ5t</a> &amp; <a href="https://goo.gl/Tk3WmH">https://goo.gl/Tk3WmH</a></p> <p>Documents: <a href="http://goo.gl/n2OlfK">http://goo.gl/n2OlfK</a></p> <p>Note: No change in use or hours (M-SU 07:30-23:00). CGCA objected to previous application.</p>
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**5. Other business**

**6. Next meetings & future presentations**

- 6.1 24 August 2015 (meeting held at Dragon Hall)
- 6.2 14 September 2015