

Minutes

Covent Garden Community Association

Planning Sub-Committee meeting held on Monday, 13 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), David Bieda, Shirley Gray, Selwyn Hardy, Gary Hayes, Christina Smith, Brian Tienan, Jo Weir, Meredith Whitten

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

1.3 **Comments received:** Jane French, Rhu Weir

2. **Presentations:** 6:30 p.m. – Rolfe Judd (St. Martin's Courtyard)

3. Planning Applications & Appeals

	Address & Application No.	Proposal	Comments
CAMDEN APPLICATIONS			
3.1	Stacey Street WC2H 8DG 2017/5937/T Phoenix Community Garden	WITHIN GROUNDS: 1 x Tulip Tree - Remove	No objection Comments by 17-11-17 No photo Documents: https://goo.gl/FxfQNS
3.2	61 Neal Street WC2H 9PJ 2017/4497/P & 2017/5949/L D1/ <i>Covent Garden Dental Spa</i>	Change of use from retail (A1) to dentist surgery (D1) at ground and lower ground floor level; installation of replacement AC unit to rear.	Whilst the CGCA does not object to the change of use to D1 (dental surgery), as this is a needed service in the community, we suggest the applicant take the opportunity to reinstate the fascia board, which currently is hidden on this Grade II-listed building. Removing the structure currently obstructing the fascia would return the shopfront to a more traditional design, which is more in keeping with Neal Street and the conservation area in general. Additionally, to protect the amenity of nearby residents (CS5) and to ensure that the AC unit 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, 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); (2) restrict the amount of noise (measured in decibels) emitted from the unit to within Camden's thresholds (DP28; CPG5 6.9); (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 (DP28.3);

			<p>(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; and</p> <p>(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. The timer equipment shall thereafter be permanently retained and maintained and retained in accordance with the manufacturer's recommendations. (Reason: To safeguard the 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 23-11-17</p> <p>Photo: https://goo.gl/uvmzoN</p> <p>Documents: https://goo.gl/mPV3QE</p> <p>Note: Grade II-listed building</p>
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WESTMINSTER APPLICATIONS

3.3	44 Floral Street WC2E 9DA 17/09037/FULL B1/Rolfe Judd (agent)	Replacement of windows at rear first and second floor levels with timber triple glazed windows.	<p>No objection</p> <p>Comments by 17-11-17</p> <p>No photo</p> <p>Documents: https://goo.gl/vPxWnd</p>
3.4	44 Floral Street WC2E 9DA 17/09726/FULL B1/Rolfe Judd (agent)	Installation of new air handling units and a timber plant screen on the rear first floor flat roof.	<p>No objection, provided the following conditions are included to ensure that the equipment does not cause undue nuisance and disturbance to nearby residential properties:</p> <p>(1) restrict the amount of noise (measured in decibels) emitted from the units to within Westminster's thresholds (S32, ENV7);</p> <p>(2) 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> <p>(3) 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;</p> <p>(4) limit the hours of use to 09:00-17:30, as stated in the applicant's supporting documents (see section 10.4 of acoustic report); and</p> <p>(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.</p>

			<p>The timer equipment shall thereafter be permanently retained and maintained and retained in accordance with the manufacturer's recommendations.</p> <p>Comments by 01-12-17</p> <p>No photo</p> <p>Documents: https://goo.gl/fQzNTu</p>
3.5	<p>17 Bedford Street WC2E 9HP 17/08929/LBC Wagamama/Wagamama Ltd.; Bidwells (agent)</p>	<p>Installation of externally illuminated projecting sign measuring 1200mm x 5000mm and non-illuminated fascia sign measuring 220mm x 1770mm.</p>	<p>No objection to the projecting sign and fascia sign, provided they are installed in such a way that does not damage the stone of this Grade II-listed building.</p> <p>The CGCA does object to the installation of a vertical neon internally illuminated sign within the restaurant's window adjacent to the entrance to Bedford Court.</p> <p>Internal illumination is inappropriate and unsympathetic in a conservation area, and conflicts with Westminster planning policy (see "Shopfronts, Blinds & Signs" SPG; "Advertisement Design Guidelines" SPG; and DES8). DES8-10.98 states that "Shop signs should be at fascia level and be externally illuminated. Internally illuminated box fascias and projecting signs are not normally appropriate in conservation areas."</p> <p>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).</p> <p>In this particular situation, the neon sign is proposed to be placed in a narrow, covered, pedestrian walkway and, thus, will be highly visible, including to adjacent residents. This is inappropriate for a Grade II-listed building and would result in visual clutter.</p> <p>Comments by 23-11-17</p> <p>Photo: https://goo.gl/E3Qqnp</p> <p>Documents: https://goo.gl/Cgo7nh</p> <p>Note: Grade II-listed building. Applicant proposed internally illuminated signs (on 27-02-17 agenda). WCC refused permission and appeal was dismissed.</p>
3.6	<p>34-43 Russell Street WC2B 5HA 17/09449/FULL A3 (By Chloe)/Walsingham Planning (agent)</p>	<p>Removal of Condition 13 of planning permission dated 18-02-15 (14/12716/FULL); Namely, to allow the restaurant to provide a take away service.</p>	<p>The CGCA objects to the use of a takeaway service at this sensitive location in a quiet area surrounded by residents, including those in the Peabody Estate and Charter House, who are adjacent. We note that in the subcommittee report for the original application (13/12065/FULL), the officer commented on the density of residents in this part of the conservation area. This formed part of the justification for the Council imposing condition</p>

			<p>13 in the original permission. Nothing has changed to warrant removal of this condition. The CGCA supports the objections of local residents, who have expressed concern about impact on amenity from noise and disturbance (which they also expressed in the original application).</p> <p>The applicant argues that S24 and S29 do not apply to the type of menu that the applicant proposes, however, nothing in the City Plan or other Council planning policy documents carves out exceptions based on type of food. No data indicates that customers ordering salads cause less disturbance than those ordering other types of cuisine; noise and disturbance resulting from takeaway customers is not correlated to specific types of food.</p> <p>Takeaway customers often congregate in front of a restaurant after purchasing their food, particularly at night.</p> <p>We note that the restaurant has permission to operate until midnight SU-TH and until 00:30 on F-SA. Given these late-night hours, takeaway service, regardless of the menu, is inappropriate in a residential area.</p> <p>Should the Council decide that takeaway service is an appropriate entertainment use in a quiet, residential area, the hours must be limited to lunch-time hours only.</p> <p>Comments by 24-11-17 Photo: https://goo.gl/tRjWEM Documents: https://goo.gl/L6fMbk</p>
3.7	35 The Market WC2E 8RF 17/09680/LBC Sushi Samba/ <i>Sushi Samba</i> ; <i>Gerald Eve (agent)</i>	Internal alterations to fit out the unit including: removal of brick nibs in the north wing; removal, replacement and relocation of two small modern staircases; installation of new flooring and wall ceiling linings; new WCs; and associated internal works.	No objection Comments by 05-12-17 Photo: See documents Documents: https://goo.gl/S4qjT Note: Grade II*-listed building
3.8	Agar Street WC2N 4JP 17/09765/FULL Charing Cross Police Station / <i>Metropolitan Police</i> ; <i>Lambert Smith Hampton (agent)</i>	Refurbishment including renovation of roof, windows, doors, repair and replacement of render, external redecoration, installation of air-conditioning plant at ground floor, creation of plant enclosure in central courtyard, replacement of pedestrian courtyard gate on Chandos Place and replacement of yard gates on King William IV Street. (Linked to 17/09766/LBC)	No objection Comments by 06-12-17 Photo: https://goo.gl/kxpUaD & see documents Documents: https://goo.gl/NiX41E Note: Grade II-listed building

4. Tables and Chairs

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4.1	13 Neal's Yard WC2H 9DP 2017/6270/TC Homeslice	3 tables and 6 chairs	<p>The CGCA and local residents have consistently commented on the noise and disturbance the applicant's customers cause in Neal's Yard and on past applications we have requested conditions meant to address these issues. However, the applicant continues to be unable to manage customers in such a way that they do not have a negative impact on residential amenity. Given this, the CGCA objects to the use of any tables and chairs at this location.</p> <p>The attached photos show the applicant's customers blocking the pavement, which is narrow at this point and which obstructs Neal's Yard residents and other pedestrians, as well as photos of the applicant's customers using communal seating for eating their takeaway orders.</p> <p>The applicant regularly clears the street furniture around 23:30, which disturbs residents and violates the hours permitted for use, as these end at 22:00 (although even this time conflicts with Camden's policy hours, which end at 21:00). Regardless of the end time specified, tables and chairs should not be broken down and noisily put away after the closing hours of the restaurant, as this defeats the purpose of limiting the hours of use to protect residential amenity.</p> <p>Further, the applicant continues to demonstrate an inability to control noise, disturbance and antisocial behaviour, including excessive littering coming from the restaurant's customers. Customers congregate outside after 22:00 (the currently permitted end time for tables and chairs) to smoke and they consistently leave the premises in noisy groups.</p> <p>Customers also create significant noise and disturbance to residential amenity by ordering their meals from the restaurant as take-aways, which they then eat in the public part of Neal's Yard, including late at night when the applicant's tables and chairs are not available. Indeed, the communal seating in Neal's Yard is often taken over by the applicant's customers, who also block bins. In addition to the excessive noise disturbance (particularly at night), this also causes rubbish issues that violate health-and-safety practices.</p> <p>Additionally, residents have complained about noise, including music, emanating from the applicant's restaurant day and night.</p> <p>Because of the considerable noise and disturbance to residential amenity, the applicant's ongoing inability to manage customers, and the health-and-safety violations in Neal's Yard, permission for tables and chairs should not be renewed.</p> <p>Comments by 04-12-17 Photo: https://goo.gl/QjH8eZ Documents: https://goo.gl/2Zk465 Note: Renewal. No change in use or hours: M-SU 12:00-22:00. On 14-11-16 agenda.</p>
4.2	8-10 Neal's Yard WC2H 9DP 2017/6239/TC Compagnie Des Vins Surnaturel /CVS <i>London Limited; Monmouth Planning Ltd.</i>	6 tables and 12 chairs	<p>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 Neal's Young 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. 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. There is no policy- or amenity-based rationale for permitting the usage of tables and chairs beyond the Council's stated hours.</p>

			<p>Whilst the CGCA has no objection to the continued use of 6 tables and 12 chairs at this location, we note that the applicant should be reminded through condition or informative with any permission granted that that they must adhere to the conditions which apply to any permission granted at all times and does not put additional items on the pavement or expand the area of use for tables and chairs, and that tables and chairs must be put away by 10 p.m. In other words, 10 p.m. is the cut-off time for tables and chairs, not the time in which the applicant starts to notify customers to vacate the tables and chairs. No street furniture should be in use after 10 p.m. and staff should not be noisily putting it away after that, either.</p> <p>Also, due to impact on residential amenity resulting from noise nuisance, windows and doors which need to be closed and customers asked to leave quietly after 10 p.m. (although, as noted above, the hours should be limited to 9 p.m., according to Camden's planning and licensing policy).</p> <p>Comments by 05-12-17 Photo: https://goo.gl/z4k7fC Documents: https://goo.gl/6rZUg2</p> <p>Note: Renewal. No change in use or hours: M-SU 08:00-22:00. On 19-12-16 agenda. CGCA objected to hours past 21:00. Additional CGCA comments included:</p>
4.3	<p>6 Neal's Yard WC2H 9DP 2017/6232/TC Compagnie Des Vins Surnaturel /CVS London Limited; Monmouth Planning Ltd.</p>	2 tables and 4 chairs	<p>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 Neal's Young 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. 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. There is no policy- or amenity-based rationale for permitting the usage of tables and chairs beyond the Council's stated hours. Whilst the CGCA has no objection to the continued use of 2 tables and 4 chairs at this location, we note that the applicant regularly puts the tables and chairs away after 10 p.m. We note that 10 p.m. is meant to be the cut-off time for tables and chairs, not the time in which the applicant starts to notify customers to vacate the tables and chairs.</p> <p>A condition or informative should be included with any permission granted specifying that tables and chairs must be put away no later than 9 p.m. so as not to disturb residential amenity.</p> <p>No street furniture should be in use after 9 p.m. and staff should not be noisily putting it away after that, either. Also, due to impact on residential amenity resulting from noise nuisance, windows and doors should be closed and customers asked to leave quietly after 9 p.m.</p> <p>Comments by 05-12-17 Photo: https://goo.gl/cSnvQ8 Documents: https://goo.gl/dRoMG4</p> <p>Note: Renewal. No change in use or hours: M-SU 08:00-22:00. On 19-12-16 agenda. Comments same as 4.2 (8-10 Neal's Yard).</p>
4.4	<p>125 High Holborn WC1V 6QA 2017/6215/TC</p>	4 tables 8 chairs and 3 barriers	<p>No objection</p> <p>Comments by 04-12-17 Photo: https://goo.gl/oASRzW</p>

	Pret/Pret a Manger; Planning Potential (agent)		Documents: https://goo.gl/9rZmG8 Note: Renewal. No change in use or hours: M-F 08:00-19:00; SA 08:00-17:00; SU 09:00-16:00. CGCA has not commented on previous applications.
4.5	167 Drury Lane WC2B 5PG 2017/6115/TC Bunga Bunga/Drury Lane Bar Trading Ltd T/A Bunga Bunga CG	8 tables and 16 chairs	The CGCA objects to the proposed increase in the number of tables and chairs. In the previous application (2016/2744/TC), the applicant proposed 10 tables and 20 chairs, which was refused by the Council. Nothing has changed to warrant such an increase in street furniture. If permitted, this one establishment would have more tables and chairs than all other establishments on Drury Lane combined. Such a large number of tables and chairs would cause noise and disturbance for nearby residents, including residents directly across the road and a Council block of 60 residents adjacent to this site. The CGCA maintains that no more than four tables and eight chairs, positioned flush with the shopfront, is appropriate. Further, the applicant's drawing and measurements are highly misleading, as the attached photo shows. There is much less clearance for pedestrians than the applicant indicates. The pavement is not wide enough to accommodate the number of proposed tables and chairs and leave a clear width for pedestrians, including those in wheelchairs or with prams, to safely pass. This is further exacerbated by the applicant's placing of an A-board, without permission, in the public highway. Comments by 29-11-17 Photo: https://goo.gl/cTFvWz Documents: https://goo.gl/iysy9D Note: Renewal. Change in use (previously 2 tables and 3 chairs). No change in hours: M-SU 08:00-21:00. On 23-05-16 agenda for 10T & 20CH.
4.6	184 Shaftesbury Avenue WC2H 8JB 2017/6062/TC Wildwood	2 tables, 4 chairs on Shaftesbury Avenue 2 tables and 4 chairs on Monmouth Street.	No objection, although no street furniture should be in use on the Monmouth Street elevation after 9 p.m. Comments by 27-11-17 Photos: https://goo.gl/qJ9iVB (Monmouth Street) & https://goo.gl/3SR9mL (Shaftesbury Avenue) Documents: https://goo.gl/Lutnni Note: Renewal. No change in use or hours: M-SA 11:00- 23:00; SU 11:00-22:00. On 10-10-16 agenda. CGCA objected to original application, which proposed 4T & 8CH on Monmouth Street. Proposals were revised to 2T & 4CH on both elevations. CGCA objected to hours beyond 21:00.
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4.7	4 Garrick Street WC2E 9BH 17/07183/TCH Steak & Co./ATFC Ltd.; Ian Belsham Associates (agent)	Use of the public highway to place 4 tables, 8 chairs and a freestanding menu board in 2 areas measuring 5.1 x 0.8m and 6.3 x 0.8m.	Based on the officer's comments in response to the CGCA's objection for the previous application (16/07220/TCH), the CGCA is not objecting to the continued use of four tables, eight chairs and a menu board at this location. However, we are disappointed that the CGCA's comments about the high footfall on Garrick Street and the obstruction that tables and chairs and other structures, such as menu boards, cause for pedestrians. Comments by 01-12-17 Photo: https://goo.gl/7qFc65 Documents: https://goo.gl/Lxf7TL Note: Renewal. No change in use or hours: M-SU 08:00-23:00. On 22-08-16 agenda.

4.8	5 Garrick Street WC2E 9AR 17/09695/TCH Snog/SWICH (UK) Ltd.	Use of area of public highway for the placing of two benches in an area measuring 3.35m x 0.9m.	No objection Comments by 04-12-17 Photo: https://goo.gl/vXyC1h Documents: https://goo.gl/4YR5ae Note: Renewal. No change in use. Change in hours. Proposed hours: M-SU 11:00-23:00. Existing hours: M-SU 09:30-23:00.
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5. Other business

5.1 Christina Smith mentioned that the paving stones in Neal's Yard need to be replaced.

6. Next meetings & future presentations

6.1 27 November 2017

6.2 11 December 2017 (e-meeting due to CGCA Carol Service)