

## Minutes

### Covent Garden Community Association

Planning Sub-Committee meeting held on Monday, 14 September 2015  
at 17:30 at Covent Garden Community Centre (Shelton Room), 42 Earlham Street WC2H 9LA

www.CoventGarden.org.uk



#### 1. Attendance

**1.1 Present:** Elizabeth Bax, Jo Weir, Robert Bent, Shirley Gray, Kester Robinson, Meredith Whitten

**1.2 Apologies received:** Selwyn Hardy, Gary Hayes, Richard Hills, Rhu Weir

**1.3 Comments received:** Rhu Weir

**1.4 Guests in attendance:** Jessica Skippon, Brian Tierman

**2. Presentations:** Capco (re: Opera Terrace) at 17:30

#### 3. Planning Applications & Appeals

	Address & Application No.	Proposal	Comments
<b>CAMDEN APPLICATIONS</b>			
3.1	117 Shaftesbury Avenue WC2H 8AD 2015/3897/P Pret/Pret A Manger; Savills (agent)	Alterations to shopfront including replacement entrance door, shortened bay returns and installation louvres panel above.	Although CPG1 Design , 7.12, states that existing shopfront recesses should be retained, the CGCA disagrees with the application of the policy at this location. The area has an ongoing problem with the drug scene as well as issues regarding rough sleeping and anti-social behaviour. Recessed shopfronts invite these behaviours and contribute to an unsafe environment, particularly late at night/early in the morning. Given this, the CGCA prefers for the shopfront alterations to include a doorway flush with the shopfront.  Also, sign D, the new large Pret star, is internally illuminated, which contradicts Camden's planning guidance, which specifies that internal illumination is inappropriate in a conservation area.  Photo: <a href="https://goo.gl/UrF9hz">https://goo.gl/UrF9hz</a> Documents: <a href="http://goo.gl/zUFz5u">http://goo.gl/zUFz5u</a> Note: T&CH application was on 24-08-15 agenda.
3.2	54 Neal Street WC2H 9PA 2015/4703/P C3/Origin Housing Ltd.; Arcus Consulting LLP (agent)	Replacement of existing single glazed steel windows with double glazed aluminium framed windows.	No objection. The CGCA supports the proposals to improve the energy efficiency of the flats.  Photo: <a href="https://goo.gl/3TEPn2">https://goo.gl/3TEPn2</a> Documents: <a href="http://goo.gl/bekmxJ">http://goo.gl/bekmxJ</a>
<b>WESTMINSTER APPLICATIONS</b>			
3.3	The Market 15/06870/FULL The Opera Terrace (A3)/Capco; Gerald Eve (agent)	Removal of existing glazed conservatories and installation of a replacement glazed structure, partial infill of the central avenue, removal of the external staircases. Refurbishment and alterations to the north and south halls, and northern pavilion, use of a terrace at southern pavilion, installation of a metal balustrade, external table & chairs and associated external works; all in connection with use as a single restaurant.	Although the CGCA does not object to the proposals, we note that our comments are based on amended drawings presented to the CGCA by the applicant; these drawings are not available on Westminster's website. The CGCA's no objection is regarding the amended proposals for the northeast elevation, as supported by Historic England.  Photo: <a href="https://goo.gl/AMMp8g">https://goo.gl/AMMp8g</a> Documents: <a href="http://goo.gl/JpokKR">http://goo.gl/JpokKR</a> Note: Listed building. Applicant presented to CGCA on 22-06-15.

3.4	77-78 St Martin's Lane WC2N 4AA 15/06211/FULL B1/Shaftebury; Rolfe Judd (agent)	Dual/alternative use of the first floor for office (B1) and/or residential use (5 x 1 bed flats) (C3). Installation of air bricks to front facade.	<p>The CGCA objects to the proposals for dual B1/C3 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. The impacts on local residents of B1 and C3 use vary, such as with noise, hours and transport needs.</p> <p>The CGCA questions how affected neighbours can raise their concerns and be consulted on such changes if there is no planning application on which to consult. Similarly, how can Westminster 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>The CGCA objects to the continuing loss of office space in Covent Garden. In particular, we are concerned about the loss of small office space. Such space supports small- and medium-sized businesses, which often are the types of innovative, creative and knowledge-based economy jobs that London and the UK have made it a policy to attract. Without adequate space in Central London, these businesses cannot flourish or even exist in the Capital. We note Westminster's concern about the loss of office space, as well. In an article published by the Financial Times on 1 September 2014, Councillor Robert Davis is quoted as saying that "loss of office floor space is now a serious issue" in Westminster. Further, Booklet 6, "Westminster's Economy," seeks to protect accommodation suited to small businesses.</p> <p>Finally, as the applicant points out, the proposals do not meet Westminster's policy standard for a range of housing size and particularly for increasing the number of family units (H5 of the UDP). The applicant's argument that providing solely small, one-bedroom (e.g., non-family) units is all the market can bear given the West End's busy night-time economy is not sound, as this argument implies that no family-sized or larger units should be developed in Covent Garden. Families do live in Covent Garden and the area does have the infrastructure (including schools) to support this. Providing only one-bedroom flats would contribute to the erosion of the historic residential character of Covent Garden, turning the area into an entertainment district.</p> <p>Photo: <a href="https://goo.gl/VZBxJM">https://goo.gl/VZBxJM</a> Documents: <a href="http://goo.gl/X9UqGU">http://goo.gl/X9UqGU</a></p>
3.5	90 Long Acre WC2E 9RA 14/11129/FULL B1/Northwood Investors; Gerald Eve (agent)	Demolition of existing office building (forming whole street block with frontages to Long Acre, and Endell, Shelton & Arne streets) and redevelopment to provide two new buildings comprising two basements, ground and part 7 to part 12 upper	<p>See <i>comments below</i>.</p> <p>Photo: <a href="https://goo.gl/plkhe7">https://goo.gl/plkhe7</a> Documents: <a href="http://goo.gl/E9DreL">http://goo.gl/E9DreL</a> Note: Original application on 08-12-14 agenda. CGCA objected.</p>

		floors to provide a mix of uses comprising office (B1), 119 residential units (C3), retail (A1/A3), rehearsal space (sui generis), car parking for 30 cars accessed from Shelton Street together with new kiosk, publically accessible courtyard, landscaping works, public realm improvements, plant, cycle parking and other ancillary works.	
3.6	11-14 Hanover Place WC2E 9JP 15/07113/FULL C3/Royal London Asset Management; Capital Property & Infrastructure (agent)	Reconfiguration of the fourth-floor levels to provide 3 x 1 bedroom flats instead of 1 x 1 bed unit and 1 x 2 beds unit. Replacement of windows with metal double glazed windows at fourth floor level. Installation of 3 air conditioning units at roof level with associated enclosure.	Objection. The proposals do not meet Westminster's policy standard for a range of housing size and particularly increasing the number of family units (H5 of the UDP). The applicant's argument that this policy is flexible dismisses the stated policy intent, which is to ensure that accommodation for a range of residents – including families – exists. As existing, the fourth floor includes a larger two-bedroom unit. Providing only one-bedroom flats would contribute to the erosion of the historic residential character of Covent Garden, turning the area into an entertainment district.  Photo: <a href="https://goo.gl/eouqLe">https://goo.gl/eouqLe</a> Documents: <a href="http://goo.gl/rG7spl">http://goo.gl/rG7spl</a>
3.7	22-23 James Street WC2E 8NS 15/07140/FULL A1/Kiko UK Ltd.; GAD Design (agent)	Replacement of existing sliding door with new glazed double doors.	Objection. This shopfront is located in the heart of a historic conservation area and, thus, it should be sensitive to the local architecture, including the nearby Piazza. With these proposals, the applicant has missed an opportunity to contribute to the character of the Covent Garden Conservation Area. Further, the applicant states that the double doors will be kept open during opening hours. This conflicts with Westminster's planning goals and policies to improve energy efficiency.  No photo (behind construction hoarding) Documents: <a href="http://goo.gl/eN04Dj">http://goo.gl/eN04Dj</a>
3.8	17-18 Henrietta Street WC2E 8QH 15/05959/FULL Flat Iron/Flat Irno Restaurants; Pembroke Design (agent)	External alterations including the installation of seven condenser units at rear lower-ground floor level, extract ductwork to rear elevation at lower-ground to first floor level. Infilling of front lightwell and removal of cast-iron railing to front elevation.	The CGCA objects to the infilling of the front lightwell and we note that Westminster has refused permission for infilling lightwells in Covent Garden, observing that "basement lightwells are an important characteristic of the conservation area and, as such, there is a presumption to retain them in line with duty to preserve and enhance the character and appearance of the conservation area" (see 11/12334/FULL).  Further, in Westminster's planning guidance, "Development & Demolition in Conservation Areas," DES 71, I.1, states, "Extensions which involve infilling of lightwells at basement level at the front will not normally be acceptable, as these light wells are an important characteristic of many conservation areas, and should be retained."  Additionally, should Westminster be minded to permit the proposals, a condition must be included that requires the mitigation measures as specified in the applicant's noise report (see pages 13-15).

			<p>This includes atmosphere-side attenuators with minimum insertion losses be installed in the kitchen extract fan, kitchen supply fan, bar/restaurant supply fan and toilet extract fan atmosphere side ductwork.</p> <p>A condition must also be included to require that the kitchen extract filters are regularly cleaned/replaced to reduce buildup of grease, as recommended in the noise report.</p> <p>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 exceeding 10 decibels below background. This is particularly critical given the enclosed nature of the internal courtyard, which is surrounded by residents who look directly onto the courtyard and will be affected by any noise that exceeds the Council's requirements.</p> <p>The CGCA supports the retention of the cast-iron railings to the front elevation, as specified in the amended drawing; we would object to their removal.</p> <p>Photo: <a href="https://goo.gl/5l73v5">https://goo.gl/5l73v5</a> Documents: <a href="http://goo.gl/LzYR3Q">http://goo.gl/LzYR3Q</a></p>
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#### 4. Tables and Chairs

CAMDEN APPLICATIONS			
4.1	1 Monmouth Street WC2H 9DA 2015/4893/TC The Bowler Restaurant/ <i>Richard Beatty; Benjamin Wilkes (agent)</i>	4 tables 8 chairs	<p>Objection. This location is inappropriate for this excessive number of tables and chairs and the CGCA notes that Camden has refused permission at this location in the recent past. The drawing submitted by the applicant does not accurately reflect the width of the pavement and omits permanent fixtures in the pavement, including a tree and a rubbish bin, that serve as obstacles on the public highway. Given the proposed layout, pedestrians would be forced to walk in the street. The attached photo shows how the measurements on the applicant's drawing are misleading. We also note that the footfall at this location is consistently heavy, and the tables and chairs would be directly in front of a heavily used zebra crossing. There is also a consistent stream of traffic coming from Shaftesbury Avenue and turning quickly onto Monmouth Street, thus creating a serious safety issue should pedestrians be forced to walk in the street to avoid the obstacle course that the tables and chairs would create. The CGCA also notes that the proposed hours exceed Camden's core hours of 21:00, as this location is not designated as a predominantly commercial street in the Central London area, a major town centre or a district centre.</p> <p>Photo: <a href="https://goo.gl/dhkVSG">https://goo.gl/dhkVSG</a> Documents: <a href="http://goo.gl/Jw0Tf0">http://goo.gl/Jw0Tf0</a> Note: New application. Proposed hours: M-SU 8:00-22:00.</p>

WESTMINSTER APPLICATIONS			
4.2	36 Wellington Street WC2E 7BD 15/07085/TCH Notes/Wellington Peak Ltd.	Use of an area of the public highway measuring 3.3m x 0.6m for the placing of two tables and four chairs in connection with the coffee shop.	No objection Photo: <a href="https://goo.gl/053uPq">https://goo.gl/053uPq</a> Documents: <a href="http://goo.gl/Ykyw6C">http://goo.gl/Ykyw6C</a> Note: Renewal. No change in use. Current hours: M-F 8:00-23:00; SA 09:00-23:00, SU 10:00-18:00. Proposed hours: M-SA 11:30-22:30; SU 11:30-22:00. Plans on the previous application were annotated to ensure that chairs do not face outwards into the pavement. On 23-06-14 agenda; CGCA had no objection.
4.3	5-6 Henrietta Street WC2E 8PS 15/06814/TCH Henry's/TCG Bars Ltd.; DHA Planning (agent)	Use of an area of the public highway measuring 1m x 12.6m for the placing of four tables and eight chairs in connection with cafe/bar.	No objection. The CGCA appreciated the notices the applicant used to have on the tables. These notices told customers that the tables and chairs were approved in a certain layout and, thus, should not be moved. We would welcome the applicant using the notices again and we believe these notices could serve as an example for other businesses in Covent Garden. Photo: <a href="https://goo.gl/FTt8ea">https://goo.gl/FTt8ea</a> Documents: <a href="http://goo.gl/fmb60m">http://goo.gl/fmb60m</a> Note: Renewal. No change in use or hours: M-SU 10:00-23:00. On 12-05-14 agenda; CGCA had no objection.

## 5. Other business

## 6. Next meetings & future presentations

- 6.1 28 September 2015
- 6.2 12 October 2015

### 3.5 – Comments for 90 Long Acre

The CGCA continues to strongly object to the proposals to demolish the existing office building and redevelop the site with two new buildings at 90 Long Acre. Although the CGCA appreciates the addition of the orchestral rehearsal space, the modifications to the proposed massing does nothing to alter the height and massing and other issues that formed the basis of our previous objection. Given this, we reiterate our objections, which include the following:

- **Design:** 90 Long Acre sits at a highly visible location within the conservation area and, thus, any proposed building for this site must be sympathetic to the local area in terms of design. Westminster's Unitary Development Plan, Chapter 10: Urban Design and Conservation, 10.2, specifies that "the particular characteristics of each site, building and area of the City will need to be carefully considered where development is proposed." Further, the National Planning Policy Framework specifies that development must promote or reinforce local distinctiveness. Westminster's planning guidance for conservation areas states that "development within conservation areas should be closely integrated into its surroundings. Within areas of uniform townscape new development should respect the proportions, form and characteristics of adjoining buildings."

Although the existing building makes little contribution to the appearance or character of the conservation area, the development as proposed is not sympathetic to the local area in terms of design and does not respect the particular characteristics of the conservation area, either.

UDP10 – Urban Design & Conservation, 10.111 – also states that "The City Council will encourage the redevelopment of unattractive buildings that have a negative effect upon the character and appearance, and setting, of conservation areas. All proposals for new developments will be considered in the light of their effect on the character and appearance or setting of the conservation area. High-quality modern architecture will be acceptable in conservation areas provided that it can be demonstrated that it is sensitively designed in response to its conservation area context and will preserve or enhance the character and appearance of the conservation area" (emphasis added). The proposed design is boldly contemporary and does not reflect the character of the local area and, thus, it does not preserve or enhance the conservation area.

- **Height, massing & bulk:** Connected to design is the proposed height, massing and bulk. While the existing building is among the tallest in Covent Garden, the proposed new structures (particularly the amended proposals) greatly exceed its massing and bulk, resulting in a development that would have a negative impact

upon the historic character of Covent Garden and the conservation area. The CGCA notes that in the amended proposals, the applicant's renderings do not even show the top of the buildings – they are too high to fit into the renderings.

As proposed, the buildings would dominate the skyline in Covent Garden, creating ominous and omnipresent towers that alter the fabric of Covent Garden. UDP 10 – DES15 says that Westminster will resist any development that damages views, skylines or silhouettes of historic features or listed buildings. As noted, the proposed development would not only dominate the skyline of Covent Garden, it would have an impact on the views of the Royal Opera House and Freemasons Hall, both of which are listed buildings. Additionally, other listed buildings lie in the vicinity of this site within the conservation area.

- **Density:** While the CGCA recognises that infill development and increased residential densities are necessary for growth in the Westminster context, we also note that Westminster has established policies to control density, namely UDP 3 – Housing – H11. This policy acknowledges a need to control density “in order to protect local character.” Further, the policy specifies that “density will be of secondary importance after taking account of the individual requirements of each site and the merits of each scheme.” Given that the current building is B1 office space, changing the use of a significant part of the site to C3 residential already introduces a higher residential density.

According to the applicant, the proposed development has a PTAL level of 6b, which according to the London Plan means the site should have a density of 650-1100 hr/ha. However, the CGCA questions the applicant's calculations. Given that the proposed development is a mixed-use site, the applicant should calculate the residential density based solely on the building with proposed flats. Including the whole 0.57ha site obfuscates the real density. Given this, the actual density of the development is much higher.

As Westminster's policy states, density should be secondary to ensuring that the proposals “protect local character.” Westminster's planning guidance for conservation areas states that “development within conservation areas should be closely integrated into its surroundings. Within areas of uniform townscape new development should respect the proportions, form and characteristics of adjoining buildings.” With an effective density that greatly exceeds anything else in the Covent Garden Conservation Area, this proposed development definitely does not integrate into its surroundings. When the high-density residential is considered along with thousands of square feet of office and commercial space, the development is even more out of keeping with the character of the conservation area. Thus, the proposals fail to maintain or improve (protect or enhance) the conservation area and, thus, the Council is obligated to refuse permission.

90 Long Acre sits at a highly visible location within the conservation area and, thus, any proposed building for this site must be sympathetic to the local area in terms of design. Although the existing building makes no contribution to the appearance or character of the conservation area, the development as proposed does not contribute positively, either. For example, the current Long Acre frontage is used frequently by local residents, workers and visitors as somewhat of a public space, where they can eat a sandwich or relax and enjoy the historic surroundings. Further, the design does not reflect the history and legacy of the Covent Garden area in general and the site specifically. For example, the site housed the Queen's Theatre in the 1850s. Further, the development will have a visual impact on views of the Royal Opera House and the Freemasons Hall, as well as other listed buildings.

Westminster planning policy (UDP10 – Urban Design & Conservation – specifically states that “The City Council will encourage the redevelopment of unattractive buildings that have a negative effect upon the character and appearance, and setting, of conservation areas. All proposals for new developments will be considered in the light of their effect on the character and appearance or setting of the conservation area. High-quality modern architecture will be acceptable in conservation areas provided that it can be demonstrated that it is sensitively designed in response to its conservation area context and will preserve or enhance the character and appearance of the conservation area” (10.111).

- **Daylight & sunlight:** Impacts on existing residents' access to daylight and sunlight will be seriously affected by the proposals, as they are a much larger scale than the existing building and proposed to be even higher under the amended proposals. The applicant's supporting documents acknowledge this. Westminster UDP Chapter 9 – Environment – ENV13E states that: “The City Council will normally resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. In cases where the resulting level is unacceptable, permission will be refused.” Owners and occupiers affected by the loss of daylight and sunlight resulting from the increased height, massing and bulk of the proposed development can bring a claim against developers and obtain an injunction to halt development if one or more of their windows have had daylight for 20 uninterrupted years and this daylight will be obstructed by overshadowing from a development, such as this proposed development. The proposed buildings' impact on daylight and sunlight (and views) is far-reaching, stretching at least to Betterton Street to the west, for example.

- **Overlooking:** Due to the size and scale and number of units in the proposed development, overlooking of residents in surrounding buildings – and there are residents bordering all four sides – will result. The existing building is office (B1) use, thus the building is largely not in use outside of business hours on weekdays. A residential development, however, will subject existing residents in the surrounding flats to overlooking and an invasion of privacy at all hours throughout the week. Westminster planning policy, UDP Chapter 9 – Environment – ENV13F, states that: “Developments should not result in a significant increase in the sense of enclosure or overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.”
- **Noise & vibration:** The CGCA shares resident and business owner concerns about the impact of noise and vibration on their amenity (for the former) and on their business operations (for the latter). The CGCA also is concerned about the impact of constant noise and disruption resulting from the long-term construction works. Adjacent businesses have been affected by noise from other nearby construction projects – which were nowhere near the scale of this proposed project.
- **Affordable housing:** Given the size of the proposed development, the CGCA believes that the proposed number of affordable housing units is too few, particularly in light of the reduction in the number of affordable units in this latest iteration of proposals. The cost of market-rate flats will be out of reach for local residents, as London’s housing affordability problem is heightened in Covent Garden.
- **Renewables:** The applicant does not detail how Westminster’s goals for renewables will be achieved. Westminster Core Strategy CS39 states that “All major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions.”
- **Public realm:** The CGCA appreciates the applicant’s proposal to include public open space within the development, as Covent Garden lacks public open spaces, particularly those that include children’s play, biodiversity habitat and green space. However, as currently designed, this public space – an open-air courtyard – is a dead space. In an urban neighbourhood such as Covent Garden, the most used and vibrant public open spaces are those which one can pass through. The courtyard has only one entrance/exit and is surrounded by excessively large and heavy buildings, creating a claustrophobic feeling as well as concerns about safety.
- **Servicing & deliveries:** Such a large mixed-use development will have significant servicing and delivery needs. Noise and disruption for servicing and deliveries is one of the biggest problems for Covent Garden residents. The CGCA is concerned about the impact that servicing needed by the development will result in an even greater impact on local streets, particularly Arne, Shelton and Dryden streets. These streets are narrow, as many Covent Garden streets are, and drivers will not be able to manoeuvre their large delivery vans and lorries down these streets. The timing of servicing and deliveries is also a constant concern of the CGCA, as residents’ amenity is constantly interrupted and intruded upon by delivery and servicing vehicles operating outside of permitted hours.
- **Parking:** No private or business parking spaces should be included in any redevelopment proposals. The number of proposed parking spaces (55) is excessive. The site is a minute’s walk from Covent Garden station, and the Holborn, Charing Cross and Leicester Square stations are also nearby. The area is also served by many bus routes as well as Santander bike rentals. Thus, a more sustainable development would not propose so many parking spaces. Further, based on our experience with parking spaces, the person who owns them will sublet them, resulting in an unallowable practice that impacts the area with additional traffic in an area that already experiences pollution from vehicles and congestion. In UDP Chapter 9, Policy ENV5B, Westminster says: “The City Council will promote measures to improve air quality, in particular encouraging developers to minimise global and local air pollution and emission of odours by: 1) minimising traffic generated by developments.
- **Community benefits:** The CGCA feels that Westminster is missing an opportunity to secure more benefits for the community from the applicant, given the scale and complexity of the proposals. While the addition of the orchestral rehearsal space is welcome, the space does not benefit local residents, many of whom will see permanent impacts on their flats and daily lives as a result of the development. Because the development’s impact will be felt well beyond its property lines, concessions should be made to local residents.
- **Community involvement:** Given the prominence of this location, the scale and magnitude of the proposed development, and the protracted construction process, the CGCA strongly believes that more debate within the community is critical. While the applicant met with the CGCA before submitting a planning application, local residents were not afforded such an opportunity. Instead, there has been a lack of communication with those most affected by the proposed development, including adjacent businesses.

Again, the CGCA strongly objects to the plans as proposed. Should Westminster approve a revised version that addresses

these concerns, the CGCA recommends that conditions limiting dust, construction and disruption by the developer be required. In particular:

- **Noise & vibration:** Noise and vibration resulting from construction and daily operation of the development once it is completed must be minimised by limiting construction hours and through mitigation measures, including high-specification acoustic hoarding. Revised plans should be required that specifically reduce the deep piling that currently is likely to occur.
- **Dust & disturbance:** A development of this magnitude will invariably cause dust and disturbance to the many residents and businesses in the area. The applicant should provide regular cleaning, at no cost, to those affected.
- **Servicing & delivery:** Strict conditions limiting the hours, frequency and size of servicing and delivery vehicles must be included.