

Minutes

Covent Garden Community Association

Planning Sub-Committee meeting held on Monday, 22 January 2018
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, Gary Hayes, Jane Palm-Gold, Amanda Rigby, Brian Tienan

1.2 **Apologies received:** Jane French, Selwyn Hardy, Richard Hills, Meredith Whitten, Jo Weir, Rhu Weir

1.3 **Comments received:** Selwyn Hardy, Rhu Weir

2. Presentations: None

3. Planning Applications & Appeals

	Address & Application No.	Proposal	Comments
CAMDEN APPLICATIONS			
3.1	3 Neal's Yard WC2H 9DP 2017/6993/P <i>A1/Rolfe Judd (agent)</i>	Retention of Class A3 (Restaurant) from A1 (Retail) use.	<p>1. The CGCA objects to the retention of this unit as Class A3. Neal's Yard – an iconic and historic area in the Seven Dials (Covent Garden) Conservation Area – has experienced a proliferation in food and drink use, namely A3 and A1 café use. This has eroded the character and appearance of the Yard, which was built on retail and complementary therapies use.</p> <p>Camden observes that local shops are of particular importance to conservation areas (Policy D2). The applicant has not demonstrated why A1 retail use is not viable in this unit and should be permanently replaced with A3 use.</p> <p>In the cover letter, the applicant notes that the use of A3 would not result in two or more food, drink or entertainment uses located consecutively adjacent to each other. However, the CGCA disputes this, as Nos. 4-5 are in A3 use. Indeed, more than 25% of the Central London frontage is in food, drink or entertainment use, which conflicts with Camden's policy (see CPG Town centres & retail draft, p. 32; formerly CPG5).</p> <p>The applicant acknowledges this, but claims exceeding the 25% maximum has caused no "harm to the vitality and viability of the area." The CGCA challenges this, as noted by complaints from local residents regarding noise and disturbance, as well as impact on environmental health from fumes and odours. Given this, there is no policy justification for permitting permanent A3 use in this location.</p> <p>2. With the intensification of food-related uses, Neal's Yard has experienced an increase in</p>

			<p>odours, fumes and dust, notably from commercial cooking, which can lead to a range of health problems (Local Plan para 6.21). These impacts have resulted in harm to local residents, who live above, adjacent and to the rear of the unit (see Local Plan para 6.87).</p> <p>In their cover letter, the applicant says the use has been operational “without any material or adverse environmental impacts,” however local residents have complained about the impact of the noise and fumes emanating from the flue at the rear of the building.</p> <p>Local Plan para 6.22 is clear that equipment such as flues should be sited sensitively, particularly within conservation areas.</p> <p>3. The intensification of food-and-drink-related use in Neal’s Yard has led to increased noise from customers, particularly late at night. Additionally, staff, including from the current tenant at 3 Neal’s Yard, causes noise and disturbance for local residents after hours, as they congregate outside.</p> <p>Noise has a significant impact on amenity (Local Plan para 6.85). The enclosed nature of Neal’s Yard makes the area more vulnerable to noise and disturbance from both mechanical and human sources.</p> <p>4. The site’s current A3 use was obtained through permitted development rights that no longer exist. The CGCA maintains that A3 use would not have been granted, given the impacts on local residents and the harm to the historic character of the Yard, and, thus, this application should be refused.</p> <p>Comments by 01-02-18 Photo: https://goo.gl/wAMzdV Documents: https://goo.gl/GxfH8u</p>
3.2	7 Denmark Street WC2H 8LZ 2018/0049/P & 2018/0081/L A4 & B1/ <i>Consolidated Developments Ltd.; Icen Projects (agent)</i>	Partial demolition of single-storey rear elements; additional storey to rear workshop building to create eating area for existing bar (A4) use; basement extension to provide additional office (B1a) space and new residential cycle storage; associated works.	<p>The CGCA is concerned about the impact on this Grade II*-listed 17th-century terraced house and 19th-century outbuilding, which originally was a workshop.</p> <p>According to Historic England, 7 Denmark Street is Grade II*-listed in part because of the level of survival: “the building retains its historic floor-plan and much of its original exterior and interior character, with a hierarchy of original panelling, plasterwork and joinery.” Further, the historic interest forms “part of an early domestic terrace, with a later workshop to the rear, the building demonstrates evolving patterns of occupation in this central London location.”</p> <p>Any works permitted must be performed using methods and tools that ensure there is no harm to the building or the outbuilding’s historic fabric. Given that the works involve a basement</p>

			<p>extension, the Council must be satisfied that an adequate archaeological survey has been conducted, as well.</p> <p>Comments by 01-02-18</p> <p>Photo: https://goo.gl/pf678F</p> <p>Documents: https://goo.gl/WifF1f</p> <p>Note: Grade II*-listed building</p>
3.3	<p>77 Shelton Street WC2H 2JQ 2017/6560/P A1/Shepherd Food Holdings Ltd.; Jackie Ford Consulting</p>	<p>Proposed change of use of ground floor unit from Class A1 (shops) to B1 (office) with ancillary use of the basement</p>	<p>No objection</p> <p>Comments by 01-02-18</p> <p>Photo: https://goo.gl/nwLfrh</p> <p>Documents: https://goo.gl/ncnQYV</p>
3.4	<p>135-149 Shaftesbury Avenue WC2H 8AH 2017/7051/P & 2018/0037/L D2 (Odeon)/Capital Start Limited; Icen Projects (agent)</p>	<p>Comprehensive refurbishment of the existing Grade II-listed building and provision of a new two-storey roof extension and new basement level, providing a new four-screen cinema (D2) and spa (sui generis) at basement, a restaurant/bar (A3/A4) at ground floor level, a 94-bed hotel (C1) at part ground and first to sixth floors and associated terrace and bar (A4) at roof level, with associated public realm and highways improvements.</p>	<p>The CGCA objects to the proposed development for the following reasons:</p> <p><u>Design, overlooking, massing</u></p> <p>These proposals fail to preserve or enhance the historic nature and unique character of the conservation area (Local Plan Policy D1, D2; also see Camden Strategic Objectives 1, 2 & 3; Local Plan Policy D1, D2, A1, CC1, CC2, CC3). The Council's planning policy is explicit: "Good design takes account of its surroundings and preserves what is distinctive and valued about the local area. Careful consideration of the characteristics of a site, features of local distinctiveness and the wider context is needed in order to achieve high quality development which integrates into its surroundings" (Local Plan, para. 7.4). These proposals fail to achieve this.</p> <p>The proposed size, bulk and massing greatly alter the building's appearance, which has an impact on the streetscape and on neighbouring properties, including residential flats. Camden's Streetscape Design Manual notes that the relationship of buildings contributes to local character and distinctiveness and "should be preserved or enhanced" (sec. 1.01). Shaftesbury Avenue has a prominent place in London's history and is an internationally recognised roadway because of its historical association with London's cultural and arts industry. Further, with the development occurring at Tottenham Court Road, such as Crossrail, this area will soon experience greater pedestrian and vehicular traffic. Thus, as a gateway to the conservation area and to Covent Garden, this building will play a key role in signalling local character and distinctiveness.</p> <p><u>Impact on open space</u></p> <p>Local Plan Policy A2 clearly states that the Council will protect Camden's open spaces. Open space is critical to sustainability and wellbeing, and performs a social role by providing a variety of areas in which to relax, socialize, enjoy sport and take part in physical exercise (para 6.31). The proposed development is directly adjacent to Phoenix Gardens, which is one of only a few</p>

		<p>public green spaces in Covent Garden and is designated a Site of Local Importance for Nature Conservation. Indeed, Covent Garden is designated as deficient in access to nature.</p> <p>As proposed, the increased massing and height would tower over Phoenix Gardens, resulting in overlooking, loss of day/sunlight and an overbearing, closed-in feeling. This would not only have an impact on amenity, but on biodiversity and habitat, as well. The Local Plan says the Council will resist development that would be detrimental to the setting of designated open spaces; protect non-designated spaces with nature conservation, townscape and amenity value, including gardens; and conserve and enhance the heritage value of designated open spaces and other elements of open space which make a significant contribution to the character and appearance of conservation areas or to the setting of heritage assets (Policy A2).</p> <p><u>Impact on amenity</u></p> <p>Roof terraces can cause nuisance and harm to the amenity of neighbours, including local residents and office workers. This includes overlooking and loss of privacy, noise, light spillage and security, all of which are outlined as impacts from balconies and terraces in CPG1 5.23. (Also see CPG6 7.4 re: privacy.)</p> <p>Should the Council grant permission, a condition should be included that limits the hours of use of the balcony/terrace to standard business hours (no earlier than 08:00 and no later than 21:00 Monday through Friday, and not at all on weekends and Bank Holidays). Roof-terrace lighting should be turned off or minimised outside of these hours. This condition is needed to protect residential amenity from noise and disturbance at anti-social hours. For precedent, see 2014/4870/P, condition 10.</p> <p>Further, no music, public events or consumption of alcohol should be permitted on the roof terrace.</p> <p>The CGCA is also concerned about noise resulting from the proposed uses, namely hotel (C1), restaurant (A3) and bar (A4). Local Plan Policy A1 and TC4 acknowledge that entertainment uses can result in noise and disturbance, littering, antisocial behaviour, crime and violence. Policy A4 says planning permission will be granted for noise-generating development, including any plant and machinery, only if it can be operated without causing harm to amenity and particularly residential amenity. Cumulative use is also a consideration.</p> <p>Comments by 02-02-18 Photos: https://goo.gl/ZyKwM1 & https://goo.gl/vVBmoT Documents: https://goo.gl/gdbU3H</p>
--	--	---

			Note: Grade II-listed building. Applicant presented to CGCA planning committee on 27-11-17.
WESTMINSTER APPLICATIONS			
3.5	23-24 Maiden Lane WC2E 7NP 17/10990/FULL <i>A3/Ping Pong Restaurants Ltd.; GL Hearn (agent)</i>	Removal of existing shopfront to Exchange Square elevation and the installation of new entrance to Maiden Lane elevation, to include new security gate.	<p>The CGCA is concerned about the proposed new entrance on Maiden Lane, which as the applicant notes in the cover letter, is a narrow lane. More traffic is expected on Maiden Lane given the proposed pedestrianisation of Henrietta Street. Further, vertical drinkers and other customers from the adjacent public house crowd onto the pavement, causing obstructions on the public highway.</p> <p>Given this, any permission granted should include a condition that prohibits the use of street furniture as well as customers congregating around the new entrance in Maiden Lane.</p> <p>Additionally, the shopfront to Exchange Square must be brought in line with the building (e.g. no recessed areas should be created).</p> <p>Comments by 15-02-18</p> <p>Photos: https://goo.gl/vrs8Dh & https://goo.gl/2mV4zq (Exchange Court)</p> <p>Documents: https://goo.gl/pnGwei</p>
3.6	41 Kingsway WC2B 6TP 17/11396/FULL <i>B1/Elleric UK Ltd.; JLL (agent)</i>	Use of first to sixth floors from B1 to hostel visitor accommodation (sui generis) together with café (A3) at ground and basement level, extension in rear light well at first-sixth floors, installation of new shopfronts and doors and signage zones at ground floor; installation of mechanical plant at podium at roof level.	<p>The CGCA objects to the proposed change of use to tourist hostel accommodation. Westminster's City Plan calls for protecting hostel use for vulnerable people as a means for meeting housing needs (Policy S15). However, it does not refer to tourist hostels. As such, the applicant is proposing a use that would harm the character of the conservation area. Should the applicant want hotel use, an application for Class C1 should be submitted. Further, youth hostels also fall under Class C1.</p> <p>In the consented scheme (16/12156/FULL), Informative 10 expressly prohibited short-term lets. The current proposals attempt to get around this.</p> <p>The CGCA also maintains its objections regarding A3 use due to the impact of noise and disturbance, including from servicing and deliveries, on residential amenity (see comments on 16/12156/FULL). Residents live directly opposite the site in Kean Street and nearby in Kemble Street and Wild Street.</p> <p>Should the Council be minded to grant permission, the following conditions must be included:</p> <ul style="list-style-type: none"> As noted in Westminster's CS41, servicing and deliveries can have adverse effects on local residents. To protect the amenity of nearby residents, as well as those working in and visiting Covent Garden, the CGCA requests a condition that limits the hours of

			<p>servicing and deliveries from 08:00 to 20:00. No deliveries should be permitted outside of these hours.</p> <ul style="list-style-type: none"> • All servicing and collections must be done by small vans and not large lorries. (See CONDITION 27 & INFORMATIVE 15 from consented scheme). • Conditions should ensure that works are restricted to avoid the impact of noise and disturbance on existing residents • The property must be used for restaurant only. The applicant must not use it for any other purpose, including any within Class A3. (See CONDITION 14 from consented scheme). • The applicant must not sell any take-away food or drink on the premises, even as an ancillary part of the primary Class A3 use. (See CONDITION 14 from consented scheme). • Noise emitted by equipment and vents used in the building must not exceed 10 decibels, equipment must be installed on anti-vibration mounts and odour from ventilation equipment must be monitored. • Customers shall not be permitted within the restaurant premises before 12:00 or after 23:30 each day. • The applicant must ensure that neither customers nor employees congregate in front or behind the building. • All windows serving the A3 unit at ground floor must be fixed shut at all times, unless otherwise agreed in writing by the Council. (See CONDITION 20 from consented scheme). • An internal bottle crusher and compactor should be required. <p>Comments by 06-02-18 Photos: https://goo.gl/jqhHVj & https://goo.gl/5KNxCD; also see D&A Statement Documents: https://goo.gl/EhEzRp</p>
--	--	--	---

4. Tables and Chairs

CAMDEN APPLICATIONS			
4.1	41-44 Great Queen Street WC2B 5AD 2018/0120/TC Itsu/Jullian Metcalfe (agent)	Eight tables, 16 chairs & six barriers	No objection Comments by 07-02-18 Photo: https://goo.gl/ekKfjJ Documents: https://goo.gl/rqiVb6 Note: Renewal. No change in use or hours: M-SU 09:00-20:00. On 19-12-16 agenda. CGCA had no objection.
4.2	45-47 Endell Street WC2H 9AJ 2018/0178/TC Rock and Sole Plaice	Seven picnic tables (42 seating), four heaters & three umbrellas.	The CGCA strongly objects to the configuration of street furniture. Placing the tables and benches all the way to the edge of the pavement obstructs the site line for pedestrians at the zebra crossing directly in front of the restaurant. With the placement of the tables, benches and umbrellas, pedestrians at the zebra crossing cannot be seen until they start to cross

			<p>the road, resulting in a serious health and safety hazard. Similarly, pedestrians cannot see oncoming traffic until they have already stepped into the street. This junction has high vehicular traffic, making it quite dangerous for pedestrians. Also, note that the applicant is using more space than should be permitted, as the third umbrella is outside their shop. Residents have regularly complained that the applicant is very noisy with the chaining up at night, which disturbs area residents.</p> <p>Additionally, the hours do not comply with Camden's policy and planning guidance for tables and chairs, which states that hours for tables and chairs usage should not extend beyond 21:00. Endell Street is not a "predominantly commercial street in the Central London Area" as defined in the guidance and, thus, the hours must conform to Camden's policy hours, which are Monday to Sunday, 08:00-21:00. Permission for hours beyond this violates Camden's policy. Thus, allowing hours until 22:00 should not be permitted. To protect residential amenity from noise and disturbance (see CPG5 6.14), the hours of use for the T&CH should be limited to Camden's core hours (end time of 21:00), as outlined in the Tables & Chairs policy (Statement of Licensing Policy, 2011). The CGCA notes that there are residents directly above and adjacent to this site, including those in Dudley Court.</p> <p>Comments by 12-02-18</p> <p>Photos: https://goo.gl/k2FYDQ, https://goo.gl/Vuc2Hd & https://goo.gl/oRZdxW</p> <p>Documents:</p> <p>Note: Renewal. No change in use or hours: M-SU 11:00-22:30.</p> <p>On 25-04-16 agenda. CGCA objected to the use of a serving trolley as well as the hours. CGCA also objected to placement of the furniture up to the end of the pavement, as this creates a safety hazard at the zebra crossing.</p>
--	--	--	--

WESTMINSTER APPLICATIONS

4.3	29 Kingsway WC2B 6UF 17/11068/TCH Pret/Pret A Manger; Planning Potential Ltd. (agent)	Use of an area of the public highway measuring 19.1m x 1.3m for the placing of nine tables and 18 chairs.	<p>No objection</p> <p>Comments by 09-02-18</p> <p>Photo: https://goo.gl/2CNt8G</p> <p>Documents: https://goo.gl/cRG9vn</p> <p>Note: Renewal. No change in use or hours: M-F 07:30-20:30; SA&SU 07:00-20:00. On 25-01-16 agenda. CGCA had no objection.</p>
-----	---	---	---

5. Other business

6. Next meetings & future presentations

- 6.1 12 February
- 6.2 26 February
- 6.3 12 March
- 6.4 26 March