Decisions & Minutes Covent Garden Community Association

Planning Sub-Committee meeting held on Monday, 28 November 2016 at 6:30 p.m. at the Hospital Club, 24 Endell Street WC2H 9HQ



1. **Attendance**

- 1.1 Present: Elizabeth Bax (Chair), Robert Bent, David Bieda, Selwyn Hardy, Gary Hayes, Amanda Rigby, Christina Smith, Jo Weir, Meredith Whitten
- Apologies received: Shirley Gray, Richard Hills, Rhu Weir 1.2
- Comments received: Rhu Weir 1.3
- 2. Presentations: 22-25 Bedford Street (6:30 p.m.); Hoxton Hotel (7 p.m.)
- 3. **Planning Applications & Appeals**

	Address & Application No.	Proposal	Comments
CAMDEN APPLICATIONS			
3.1	Commonwealth House 1-19 New Oxford Street WC1A 1NQ 2016/5261/P B1/DP9 (agent)	Details pursuant to Condition 4 a) and b) (design) of planning permission 2014/4983/P, dated 30/01/15, which requires detailed drawings to be submitted before the relevant part of the work can begin.	No objection Comments by 01-12-16 No photo Documents: https://goo.gl/tBnmGu
3.2	8 Great Queen Street WC2B 5DH 2016/6114/A A4 (The George)/Enterprise Inns Plc; Insignia Signs	Display of 1 x menu board, 1 x hanging sign on post, 9 x fabric street barriers and 1 x A-board.	More information is needed regarding the hanging sign on post and the A-board, namely, where they will be placed on the pavement. The applicant should be required to provide these before any decision is made. The supporting document labelled "layout plan" does not provided the needed detail of the exact measurements of the pavement. As a result, the CGCA cannot determine whether adequate space is left on the pavement for pedestrians. The same applies to the A-board.
			The document, "signage details," gives measurements of the street furniture, but not the measurements of the space available for pedestrians.
			As the Council is well aware, pubs, restaurants, cafes and shops often place street furniture, particularly A-boards, in the pavement in such a way that it obstructs pedestrian flow. Thus, it is essential that an accurate layout, with accurate measurements, is included so the Council, the applicant and local residents have a precise record of what has been permitted.
			Comments by 05-12-16
			Photo: https://goo.gl/32DVot
			Documents: https://goo.gl/Et5YUu
3.3	27 Mercer Street WC2H 9QR	Submission of detailed drawings,	No objection

	2016/6096/L	as required by condition 27 of Listed Building Consent	Comments by 08-12-16
	C3/Drawing and Planning	2015/5451/L (dated 03/12/2015) for	Photo: https://goo.gl/s0ZrCe
	Ltd. (agent)	internal alterations at basement and	Documents: https://goo.gl/loDqwn
		ground floor levels and erection of glazing over rear courtyard.	Note: Grade II listed building. On 12-10-15 agenda.
3.4	16A Neal's Yard WC2H 9DP 2016/6181/P A3/Walsingham Planning (agent)	Change of shop frontage to a more open configuration	The CGCA objects to an openable shopfront at this, and any, premise. Camden's planning policy clearly opposes folding and openable shopfronts. See CS7; DP 30, including DP30.8; CPG1 7.12. The existence of nearby shops with openable shopfronts is not a justification for allowing additional development that contradicts Council policy. Folding and openable shopfronts detract from the character of the street and the Conservation Area, as well as the architectural integrity of the building. When open, they erode the appearance of the shopfront, creating a visual void, and can have a negative impact on local amenity, for
			example in terms of noise and disturbance. According to DP30.8 (p. 137), "Folding/opening shopfronts will not generally be acceptable, as they can create a void at ground level that can harm the appearance of a building, and can also have a negative impact on local amenity, for example in terms of noise and disturbance."
			Meanwhile, CPG1 7.12 says, "When open, they erode the appearance of the shopfront, creating a visual void, and can increase disturbance to neighbouring properties, particularly in the case of food and drink premises. When closed they appear as a row of doors rather than a shopfront. This creates a heavier appearance than a shopfront mullion and reduces the area of glass in the shopfront" (see p. 67).
			The CGCA supports Neal's Yard residents, who maintain that permitting anything beyond opening the entrance door – not the entire shopfront – is unacceptable due to the proven noise and disturbance that openable shopfronts cause.
			Comments by 08-12-16
			Photo: https://goo.gl/MSO1hD
			Documents: https://goo.gl/FxR17J
3.5	St.Giles Circus site including: site of 138-148 (even) Charing Cross Road 4 6 7 9 10 20-28 (inc) Denmark Street 1-6 (inc) 16-23 (inc)	Variation of Condition 49 (capacity of urban gallery and basement venue) and deletion of Condition 50 (number of events per month in urban gallery and basement venue)	The CGCA strongly objects to the proposals to vary the capacity of these venues and to increase the number of events permitted each year.
	Denmark Place 52-59 (inc) St.Giles High Street 4	of planning permission 2012/6858/P dated 31/03/15,	The conditions were included with the original planning permission to protect residential amenity. Nothing has changed to

	Flitcroft Street and 1 Book Mews WC2 2016/5692/P Various/Consolidated Developments; Iceni Projects (agent)	namely to vary condition 49 to increase the maximum capacity of the basement venue and to remove condition 50.	warrant removal of the conditions – in fact, the venues have yet to open. Local residents will still be negatively affected by noise and disturbance; increasing the capacity and number of events will only exacerbate this, as the proposals would not only subject local residents to larger crowds, but also to more frequent crowds.
			The CGCA questions why the applicant is asking for a variance before these venues have even opened. A more reasoned approach would be to wait until the venues and events have operated for a period of time (such as six months) so as to enable both the applicant and local residents to determine what the affect would be before increasing capacity and number of events.
			During the consultation period for the original proposals, the CGCA and other local organisations spent a large amount of time discussing the proposals with the applicant, and these conditions illustrate the result of those discussions. The CGCA stresses that the area is home to many long-time residents; it is not primarily an entertainment destination. As such, variance of conditions 49 & 50 should not be permitted until the venues have operated under the existing conditions for at least six months. Otherwise, the good-faith negotiating conducted by local organisations and the applicant during the original consultation is meaningless.
			Comments by 08-12-16
			No photo
3.6	17-23 Earlham Street WC2H 9LL 2016/6257/P A1/Shaftesbury; Rolfe Judd (agent)	Replacement shopfront on Earlham Street and Mercer Street elevations.	Documents: https://goo.gl/yZQWox Whilst the CGCA has no objection to the replacement shopfronts, we do lament that the applicant has missed an opportunity to provide shopfronts that are a better fit with the traditional character of the conservation area.
			Should the Council be minded to grant permission, a condition should be included that requires the applicant to turn off the lights outside of business hours, as light spillage from all-glazed shopfronts such as these result in light spillage that has a negative impact on local residents at night, including disturbing their ability to sleep.
			The CGCA also requests that no construction occur on weekends (Saturday or Sunday). Local residents are subjected to nonstop construction during the week, so no work on Saturdays or Sundays would give them a needed respite from the noise and disturbance.

			Comments by 09-12-16
			Photos: https://goo.gl/y8Sw6m &
			https://goo.gl/helg3u (Mercer Street)
			Documents: https://goo.gl/WO4Yr5
WES	TMINSTER APPLICATIONS		
3.7	15 Henrietta Street WC2E 8QG 16/10588/FULL C1 & sui generis/Experimental Worldwide Ltd.; Offset Architects (agent)	Variation of conditions 1 and 6 of planning permission dated 08-03-16 (15/08953/FULL), namely, revised design to 5th floor extension and materials to mansard roof.	The CGCA objects to the proposed changes to the entrance door. In particular, we object to the use of glass panels throughout the door, as this is not in keeping with the character and appearance of the Covent Garden Conservation Area (S25, S28, DES9, para 10.108-10.128).
			According to S25, S28 and DES9, careful consideration must be given to the characteristics of a development site, features of local distinctiveness, and the wider context in order to achieve high-quality development which integrates into its surroundings. Westminster's planning policy is clear that the Council expects development to retain the distinctive characters of the conservation area and new development must contribute positively to this. S25 specifies that "the built environment must be respected and refurbished sensitively in a manner appropriate to its significance. Any change should not detract from the existing qualities of the environment."
			Additionally, a condition should be included that limits the hours of use of the roof 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). This is to protect residential amenity from both noise and disturbance, and overlooking, as set out in S29 and ENV13. For precedent, see 15/10227/FULL, conditions 3 & 4; 15/02721/FULL, conditions 4 & 5; and 14/00907/FULL, condition 7.
			Comments by 02-12-16 Photo: https://goo.gl/k6iwc8 Documents: https://goo.gl/Q3KlhM Note: On 26-10-15 agenda. CGCA's
			comments included: The roof terrace shall be used solely for maintenance and not as a private area for hotel, restaurant or bar guests.
3.8	37 Floral Street WC2E 9DJ 16/10492/FULL A1/Radley; Quadrant Design (agent)	Installation of 5 No. swan neck lights and 4 No. up/downlighters.	No objection, provided a condition is included that limits the hours of operation of the lights to avoid light spillage into local residents' windows.
			Comments by 07-12-16
			Photo: https://goo.gl/6xFfrK

			Documents: https://goo.gl/F8ysv9
3.9	36 King Street WC2E 8JS 16/10290/FULL B1/Scott Brownrigg Planning (agent)	Erection of an additional mansard roof extension. Use of first to fifth floors as 4 residential flats (C3), (1no. 1-bed; 2no. 2-bed; and 1no. 3-bed). Use of basement and ground floors as retail (A1). Associated alterations including new shopfront, alterations to front and rear vaults, mechanical plant, windows and doors.	The CGCA objects to the proposed mansard roof extension because it fails to maintain or improve (preserve or enhance) the character and appearance of the Covent Garden Conservation Area (S25, S28, DES9, para 10.108-10.128).
			According to S25, S28 and DES9, careful consideration must be given to the characteristics of a development site, features of local distinctiveness, and the wider context in order to achieve high-quality development which integrates into its surroundings. Westminster's planning policy is clear that the Council expects development to retain the distinctive characters of the conservation area and new development must contribute positively to this. S25 specifies that "the built environment must be respected and refurbished sensitively in a manner appropriate to its significance. Any change should not detract from the existing qualities of the environment."
			As the applicant's supporting documents show, the mansard would be visible from street level, including views from the listed Covent Garden Piazza.
			Additionally, the mansard extension would harm the character and special interest of the building itself (a Grade II listed Georgian house) as well as the neighbouring Grade II* listed building (37 King Street) (S25; DES10). In addition to Council policies (see S25, DES10 & "Repairs & Alterations to Listed Buildings" SPG), the Council has a statutory obligation to preserve or enhance the borough's listed buildings.
			Previous planning permission for alterations to this listed terrace house are regrettable, as the building dates to the mid-18 th century. The Historic England listing notes that the "back elevation is largely original." The proposals would have an impact on this.
			Regarding any plant permitted, the following conditions must be included to ensure that the equipment does not cause undue nuisance and disturbance to nearby residential properties (see ENV7 para 9.111; also see S29, S32, ENV6 & ENV7):
			(1) restrict the amount of noise (measured in decibels) emitted from the units to within Westminster's thresholds (S32, ENV7);
			(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));
			(3) require the applicant to submit the results of annual maintenance checks to the Council;
			(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;
			(5) 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 (applicant says plant for retail will only run from 8 a.m. to 10 p.m.) (ENV6(6)) (for precedent, see 14/03699/FULL & 15/05983/FULL, among others); and
			(6) 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.
			Comments by 14-12-16
			Photo: https://goo.gl/GEb5GY
			Documents: https://goo.gl/jfg8R0
			Note: Grade II listed building
3.10	Imperial House 15-19 Kingsway WC2B 6UN 16/10611/FULL A3 (ground) & B1/Local Authorities Mutual Investment Trust c/o CCLA; Trehearne Architects (agent)	Installation of new windows at ground and first floors to Kean Street, creation of roof terrace at seventh floor and installation of airconditioning units to replace existing.	No objection, provided a condition is 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). This is to protect residential amenity from both noise and disturbance, and overlooking, as set out in S29 and ENV13. For precedent, see 15/10227/FULL, conditions 3 & 4; 15/02721/FULL, conditions 4 & 5; and 14/00907/FULL, condition 7.
			The CGCA notes that Kean Street is a quiet street with many local residents, thus their amenity must be protected against noise and disturbance and overlooking from the office's balcony.
			Comments by 16-12-16
			Photo: See documents Documents: https://goo.gl/jjNBBt
3.11	100-101 St Martin's Lane	Refurbishment for the restricted use	The CGCA objects to the revised proposals
5.11	WC2N 4AZ 16/10998/FULL	of existing outdoor areas and flat roofs at lower ground, third, fourth	for use of the existing terraces because of the acknowledged impact this will have on
	Covent Garden Community Association, Planning Committee		

B1/Bishopsgate Long Term Property Fund Nominees No.1 Limited and Bishopsgate Long Term Property Fund Nominees No.2 Limited; GVA (agent) and fifth floor levels, including the erection of permanent trellis and faux buxus screening in connection with their use as roof terraces.

neighbouring residents' amenity, including noise and disturbance and loss of privacy/overlooking.

The revised proposals – including taller screens and the use false hedging – do not alleviate the negative impact the development would have on the many residents who have windows directly opposite the terraces. Indeed, the internal courtyard where these terraces are located is surrounded by residential flats, including Talbot House, Burleigh Mansions, Faraday House and Garrick Mansions.

Some of these flats are small studios with only one window, which looks out on the proposed terraces. This has factored into the CGCA's objection because it will greatly alter the quality of life for residents of these flats, as they have no other window that is not overlooked. As a result, they will have to live with constant overlooking and a continual sense of lack of privacy. Overall, an estimated 70 windows look onto the terraces. The demographic makeup of residents in these flats includes elderly residents, families with school children and residents with disabilities and limited mobility and, thus, the flats are in use throughout the work day.

Because of the close proximity of the terraces to noise-sensitive windows in the neighbouring flats, as well as the canyon-like effect of noise in the courtyard, previous planning permission specified that the terraces could be used solely as a means of emergency escape. They could not be used for office workers' amenity, such as smoking, taking breaks or having lunch. (See 87/03993/FULL.) Whilst the applicant has proposed a limit on the number of people who can use the terraces at any one time, the noise from the terraces would still likely be constant. This noise level, while within the Council's thresholds, would still amount to a significant increase over the existing background noise.

The CGCA highlights that for years the management of this space has respected its residential nature and quiet character through verbal agreements between local businesses, local residents and community groups. In some instances, these verbal agreements have been captured in binding licensing conditions (for example, see the license for The Garrick Arms, 8-10 Charing Cross Rd, Leicester Square WC2H 0HG). Since the previous application was submitted, the applicant has met with the CGCA and with local residents. However,

whilst we appreciate the applicant's efforts to address the residents' concerns, the applicant has recently carried out work on the terraces and at basement level. These works resulted in significant noise that reverberates with a canyon effect and causes great disturbance to residents. Unfortunately, this has caused local residents to be highly sceptical of the applicant's promises to respect their amenity by controlling use of and noise from the terraces. Also, tenants of the office building have used the terraces for workers' amenity, going so far as to place multiple tables and chairs on the terraces, despite residents' objections to the noise and overlooking that resulted. Thus, we have serious reservations that the terraces would be managed effectively and in such a way that does not result in disturbance and loss of privacy to the many adjacent residents.

We also continue to maintain that a difference exists between office workers sitting at a desk working behind a window and workers on an outdoor terrace looking out into residential windows, thus the intrusion on residents' privacy would greatly increase.

Even with painting the proposed trellis screens white, the screens will contribute to a closed-in feel for residents, as they remain mere metres from windows, including bedroom windows. This conflicts with UDP ENV13, which states that: "Developments should not result in a significant increase in the sense of enclosure or overlooking, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use" (emphasis added). (Also see S29.)

Although the applicant has proposed limiting hours of use to 8 am to 6 pm, the CGCA believes that this is too early a start time given the incredible proximity to noisesensitive windows and given the demographics of the residents (e.g., many residents are elderly or retired and are not out of their flat by 8 am.

Should any permission be granted, conditions limiting hours of use, use of music, number of people permitted on the terraces at any one time, and smoking must be included, and these should be included in the leases of the office's tenants.

Given that noise has only increased over the years since the original condition was included and that nothing has changed to warrant its removal, as well as the proposals not alleviating the substantial concerns of the

CGCA and affected residents, the CGCA maintains that, ultimately, permission should be refused.
Comments by 19-12-16
Photo: https://goo.gl/wyQANq
Documents: https://goo.gl/cKXU5S
Note: Presented to CGCA on 24-10-16. Previous application on 11-07-16 agenda. CGCA's comments: See below.

4. Tables and Chairs

CAI	CAMDEN APPLICATIONS			
4.1	57-59 Endell Street WC2H 9AJ 2016/6255/TC Cafe Mode	5 Tables and 15 Chairs	Objection. The CGCA continues to object to the use of tables and chairs because the applicant consistently does not comply with the existing permission. The applicant has placed the tables and chairs in a configuration that is perpendicular to both the approved and the proposed layouts. As a result of this, plus the excessively sized A-board used without permission, the street furniture limits the space on the pavement for pedestrians, including those with prams or in wheelchairs. As configured, the tables and chairs and A-board are not on the forecourt. Also, there clearly is not room for three tables and six chairs to the left of the entrance, particularly with the use of planters. Thus, should the Council be minded to renew permission, this should be limited to four tables and eight chairs. Further, the CGCA also objects to the hours. As specified in Camden's guidance for tables and chairs, hours 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. Comments by 05-12-16 Photos: https://goo.gl/JDAAKFi & https://goo.gl/JDAAKFi & https://goo.gl/JDAA	
4.2	123 Kingsway London WC2B 6PG 2016/6399/TC Wagamama/Wagamama Ltd.; Kevin Jackman (agent)	4 tables and 8 chairs and 4 barriers	The CGCA objects to the use of tables and chairs at this location, which experiences extremely heavy footfall. The applicant's plan shows 1.813m between the tables and chairs and the nearest bus shelter. However, the applicant has failed to account for the crowds of people waiting at this bus stop throughout most of the day, as many bus routes stop here. Additionally, there is another bus shelter a few metres away and together they result in a wall of people consistently standing there. These crowds coupled with the extremely high footfall mean	

			that any atract furniture will contribute to a ninch soint
			that any street furniture will contribute to a pinchpoint and will obstruct pedestrian flow.
			The Council specifies that 1.8m is a minimum and in some instances, particularly areas with high volumes of pedestrian and/or vehicular traffic, a wider clearance will be required.
			Indeed, CPG5 6.11 states that, "The area where tables and chairs may be placed must be designated and must not interrupt the area of footway for pedestrian movement." (Also see CPG5 6.10.)
			Further, the "Pedestrian Comfort Guidance for London," published by the GLA, recommends total footway widths for different levels of pedestrian flow. For high-flow areas (greater than 1,200 people per hour), the recommended width is 5.3m; for active flow areas (600 to 1,200 people per hour), the recommended width is 4.2m.
			No other premise on this side of the street and on this block have street furniture. Premises further down Kingsway do have permission, but the pavement does not have bus shelters and footfall is not as heavy.
			Whilst the CGCA objects to any street furniture at this location, should the Council be minded to permit the use of some furniture, this should be limited to one table and two chairs, flush with the shopfront, on either side of the entrance (e.g. a total of two tables and four chairs).
			Comments by 20-12-16
			Photo: https://goo.gl/Z19iPe & https://goo.gl/9vCGqN
			Documents: https://goo.gl/Lzp4Eo
			Note: New application. Proposed hours: M-SA 10:00-23:00; SU 11:00-22:00.
4.3	33 New Oxford Street WC1A 1BH 2016/6401/TC	4 tables and 8 chairs	Whilst the CGCA does not object to the use of tables and chairs at this location, we do object to the number proposed.
	The Old Crown/ <i>Benjamin</i> <i>Ball</i>		The public house is located at the corner of New Oxford Street and Museum Street, which is a very busy junction for both vehicular traffic (including buses) and pedestrians (particularly those coming and going from
			the British Museum).
			Thus, any permission granted should be limited to three tables and six chairs, all flush with the shopfront (as the one table and two chairs to the left of the entrance are shown on the applicant's drawing).
			Further, the CGCA notes that the applicant has already placed tables and chairs, as well as a large A-board, on the pavement, and not in the configuration proposed. See attached photo.
			Should permission be granted, an informative should be included that states, "You are advised to ensure the number and layout of tables and chairs placed on the highway reflects the approved layout as shown on the approved drawing."
			The applicant also should apply for permission for the Aboard before using it.
		Covent Garden Community Associ	Comments by 20-12-16

WE	STMINSTER APPLICATIONS		Photos: https://goo.gl/R9zHtm Documents: https://goo.gl/RQdQNj Note: New application. Proposed hours: M-TH 10:00-23:00; F-SA 10:00-22:30; SU 10:00-22:30
			T. 0001
4.4	70 St Martin's Lane WC2N 4JS 16/09550/TCH A3 (Bella Italia)/Casual Dining Services Ltd.; BLP (agent)	Use of two areas of the public highway measuring 6m x 0.75m (Garrick Street frontage) and 3.7m x 0.75 (St Martin's Lane frontage) for the placing of five tables, 10 chairs and two planters.	The CGCA continues to object to the number of tables and chairs at this location, which experiences exceptionally heavy footfall and vehicular traffic, and we are disappointed that Westminster continues to grant permission. As recently witnessed, the chairs are moved by customers, who place the chairs outside of the approved area and creating an obstacle and hazard for pedestrians. The CGCA also continues to object to the use of two planters, which create a further obstacle on the public highway. We note that the applicant does not use planters, indicating that there is not space for tables and chairs as well as planters at this location.
			As the officer indicated in the previous application, local residents have complained that customers using the tables and chairs are too noisy. Thus, an informative (see informative 4 of 15/08802/TCH) specifies that applicant should write to all neighbouring residents providing a contact name and phone number for them to use should problems arise from use of external furniture. This informative should be included again with any permission granted.
			Comments by 13-12-16
			Photos: https://goo.gl/pI5zYC (St. Martin's Lane)
			Documents: https://goo.gl/OkyjKt
			Note: Renewal. No change in use or hours. M-SU 09:00-23:00. On 26-10-15 agenda.
4.5	8-9 James Street WC2E 8BH	Use of two areas of the	No objection
	16/10709/TCH	public highway measuring 1.1m x 1.7m and 3.0m x 1.7m for the placing of	Comments by 16-12-16
	A3 (Maxwell's)/Maxwell's Restaurants Ltd.		Photo: https://goo.gl/wiRfe0 Documents: https://goo.gl/b1ogBn
	three tables, 12 chairs and two space heaters.	Note: Renewal. No change in use or hours: M-SU 10:00-23:00. On 24-11-14 agenda.	

5. Other business

6. Next meetings & future presentations

6.1 9 January 2017

6.2 23 January 2017