

Minutes
Covent Garden Community Association

27 December 2015

Planning Sub-Committee meeting (interim meeting)

Covent Garden Community Centre, 42 Earlham Street WC2H 9LA

www.CoventGarden.org.uk



TheCGCA



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1. Attendance

1.1 Comments received: Elizabeth Bax, Shirley Gray, Selwyn Hardy, Richard Hills, Rhu Weir

2. Presentation: N/A

3. Planning Applications & Appeals

	Address & Application No.	Proposal	Comments
CAMDEN APPLICATIONS			
3.1	Glass House, 175 Shaftesbury Avenue WC2H 8AN 2015/6714/P C3/KTS Pension Fund; ISL (agent)	Alterations to ground floor entrance area including removal of recessed area and installation of new metal clad surround.	No objection. The CGCA welcomes the removal of the recessed entry, which can encourage antisocial behaviour. Comments by 01-01-16 No photo Documents: http://goo.gl/rDtNPw
3.2	35 Great Queen Street WC2B 5AA 2015/5749/L A3/Shoryu Ltd.; Blenheim Design Ltd. (agent)	Creation of structural opening in the basement, new motorised dumb waiter between basement and ground floor level, replacement of existing laminated floor finish with oak herringbone parquet, removal of plasterboard to internal walls to expose original brickwork and new structural beam.	No objection Comments by 07-01-16 Photo: https://goo.gl/F2qae1 Documents: http://goo.gl/SiJBN1 Note: Grade II listed building
WESTMINSTER APPLICATIONS			
3.3	376 Strand WC2R 0LQ 15/09919/FULL A3 (Salieri)/Aviva; John Robertson Architects (agent)	Installation of new shopfronts to Strand and Exeter Street frontages.	No objection, provided the shopfronts are not openable or do not include folding doors and windows, both of which contradict Westminster planning policy and guidance (see the Council's planning guidance, "Shopfronts, Blinds and Signs"). 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. The CGCA also notes that Westminster has consistently refused permission for similar requests. Comments by 04-01-16 Photo: See documents (D&A) Documents: http://goo.gl/JOWTa2
3.4	42 Maiden Lane WC2E 7LJ 15/10701/FULL Grind & Co./Grind & Co.; Freeths (agent)	Use of ground floor and basement as a mixed A1/A3 cafe.	The CGCA maintains its objection to proposals for change of use, despite the applicant's revised proposals from A3 use to dual A1/A3 use. Although the applicant's revised proposals no longer include installation of a full-height extract

			<p>duct to the rear, the applicant's updated proposals fail to alleviate any of the other concerns raised by the CGCA on the previous application (15/03576/FULL), which Westminster refused on 11/11/15.</p> <p>The applicant still has not shown evidence that the site is not marketable as a solely A1 use, which was cited as a reason for Westminster's refusal of the previous application.</p> <p>The applicant refers to other locations within its chains that have the "café" model that the applicant now proposes on Maiden Lane. However, Soho Grind, 19 Beak Street W1F 9RP, to which the applicant refers, operates as a "lawful retail use (A1)," according to Westminster, in a decision refusing "Continued use of basement and ground floor as a mixed use coffee shop and a cocktail bar (sui generis)" (see 15/02935/FULL). The applicant fails to mention the cocktail bar aspect, which Covent Garden residents have suspected are the ultimate plans for the Maiden Lane location, as well. (Holborn Grind, 199 High Holborn WC1V 7BD, in the London Borough of Camden, also operates with a license.)</p> <p>Of relevance here, however, is that the Soho Grind operates as A1, not as A1/A3. (Holborn Grind is within the Hoxton Hotel.) The applicant's revised proposals conveniently add A1, but in reality are more in line with A3 usage.</p> <p>Given this, the CGCA maintains our previous strong objection that the introduction of yet another A3 use, particularly one that serves alcohol and is open late, will compound the already existing noise nuisance for nearby residents. This end of Maiden Lane is becoming increasingly residential, including approval for C3 on the upper floors of this building and additional flats also approved in Southampton Street and Henrietta Street, which are adjacent and/or back onto this premise. This is in addition to existing residents, including Sussex Mansion and the Grade II-listed Corpus Christi Church, directly opposite this location.</p> <p>City Plan policies S29, S31, S32, and UDP policies ENV6, ENV7 and ENV13 discuss harm to residential amenity due to noise and disturbance from customers and mechanical plant, smells, anti-social behaviour, crime, servicing and delivery, and late-night activity.</p> <p>While residents in this central location must expect a degree of disturbance from the evening economy, the existing noise and disturbance at this location, when considered in total, has already caused significant harm to residential amenity. Further, Westminster's policies recognise the critical need to balance entertainment uses with the protection of residential amenity and</p>
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			<p>Westminster's unique character.</p> <p>Antisocial behaviour has already increased in recent years as a result of the close vicinity of the many late-night drinking venues in Maiden Lane and the surrounding area. Maiden Lane has been designated a police high-stress area, as a result.</p> <p>Should Westminster be minded to permit the development:</p> <ul style="list-style-type: none"> • There must be no A5 (take-away) use, even as ancillary to A3. • Bar use can only be for customers before, during or after their meal. The bar and bar seating area must consist of no more than 15% of floor area of the property. • Customers shall be permitted on the premises only during the hours of Monday-Wednesday 07:00-23:00; Thursday-Saturday 07:00- 23:30; and Sunday 07:00-22:30. <p>Comments by 06-01-16 Photo: https://goo.gl/UYEiqQ Documents: http://goo.gl/IYZMC5</p>
3.5	22-23 James Street WC2E 8NS 15/10849/FULL A1/Capco; Gerald Eve (agent)	Change of use of part ground, part first, second, third and fourth floors to office accommodation (Class B1)	<p>No objection. Although the CGCA has some concerns about the loss of retail at this high-profile location near the Piazza, we recognise that retail units above the first floor are of different character than those at lower levels. Also, the CGCA supports the need to provide office space in Covent Garden, particularly in light of the significant recent loss of B1 use to C3 residential.</p> <p>Comments by 07-01-16 Photo: https://goo.gl/nl2oxO Documents: http://goo.gl/SH6PNu</p>

4. Tables and Chairs

CAMDEN APPLICATIONS			
4.1	63 Neal Street WC2H 9PJ 2015/6844/TC Pix Pintxos/Mr. John Thornhill	3 tables and 12 chairs	<p>The CGCA objects to the proposed (and existing) hours for tables and chairs. These hours must be limited to no later than 21:00 to be compliant with Camden's tables-and-chairs policy, which exist to protect residential amenity. Camden's policy and planning guidance for tables and chairs state that hours for tables and chairs usage should not extend beyond 21:00. Neal 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. (See Statement of Licensing Policy, 2011.)</p> <p>The CGCA also objects to the number of tables and chairs, and maintains that the previous permitted use of 2 tables and 8 chairs are appropriate given the pavement width, obstacles in the pavement on this stretch of Neal Street, and the residential character of the street. The tables and chairs as proposed are too tightly packed, which has led to the furniture being pushed further beyond the permitted area once customers are seated.</p> <p>As the applicant's drawing illustrates, the chairs are shown pushed under the table. This does not realistically demonstrate the space on the public highway that will be used once customers are seated</p>

			<p>in the chairs. The CGCA conservatively estimates that a person seated at the table takes up at least 45cm. Thus, the applicant would need to show at least an additional 90cm for each chair to realistically demonstrate the area of the public highway to be used.</p> <p>Comments by 04-01-16</p> <p>Photo: https://goo.gl/Y3HirL</p> <p>Documents: http://goo.gl/O7YtKm</p> <p>Note: Renewal. Change in use (previously 2T & 8CH). Change in hours: M-SU 12:00-22:00. Current hours: M-SU 12:00-21:00. On 28-07-15 agenda.</p>
WESTMINSTER APPLICATIONS			
4.2	<p>1-5 Catherine Street WC2B 5JS 15/10137/TCH Rossita Café/Rossita Ltd.; CgMs (agent)</p>	<p>Use of an area of the public highway measuring 1.5m x 7.7m for the placing of four tables and eight chairs in association with the use of the property as a restaurant.</p>	<p>The CGCA objects to the use of four tables and eight chairs and continues to maintain that three tables and six chairs are more appropriate given the size of the area of the public highway. The CGCA questions the measurements provided on the proposed layout. This layout indicates the area as 7.84m, yet the proposal says the area is 7.7m. Further, adding up the measurements of the furniture and the space the applicant says is between furniture, this equals 6.09m (1530x4 plus 500x3).</p> <p>The tables and chairs as proposed are too tightly packed, which has led to the furniture being pushed further beyond the permitted area once customers are seated. This is why the CGCA maintains that three tables and six chairs is a more appropriate use.</p> <p>Under no circumstances should tables and chairs be placed on the Exeter Street frontage, which is much too narrow.</p> <p>The CGCA does not object to the hours ending at 23:00; anything beyond this time would have a significant negative impact on the amenity of the many residents in the adjacent area.</p> <p>Comments by 28-12-15</p> <p>Photo: https://goo.gl/Oq4LI6</p> <p>Documents: http://goo.gl/ZD8Vii</p> <p>Note: Renewal. No change in use or hours: M-SU 07:00-23:00. On 28-07-15 agenda.</p>
4.3	<p>51-53 St Martin's Lane WC2N 4EA 15/10563/FULL Cote/Cote Restaurants Limited; Poppleston Allen Solicitors (agent)</p>	<p>Variation to Condition 5 of planning permission dated 31 March 2015 (RN: 15/00964) for Use of the public highway measuring 8.8m x 0.84m for the placing of two tables, four chairs and three planters in connection with associated restaurant, namely to allow the furniture to be placed on the highway for an additional 2 years.</p>	<p>Whilst the CGCA does not object to the use of tables and chairs at this location, we do object to an 8 a.m. start time and instead suggest a 9 a.m. start time. This restaurant is located directly adjacent to residential units. Notably, three large blocks of flats, totalling 30 flats all with bedrooms looking directly onto this premise, are adjacent.</p> <p>The CGCA does not object to the proposed end time, however, we stress that this means the tables and chairs are no longer in use and are put away by 23:00, and this should be spelled out either by condition or by informative in any permission granted. Further, after the street furniture is removed, staff gather outside the restaurant as late as 1:30 a.m. for a drink while winding down. Given the late hour and the proximity to residents' bedrooms, this reflects on the management's inability to control noise and disturbance, further necessitating a condition or informative that would facilitate enforcement action should this disturbance continue. The reason for the designated start and end times for tables and chairs permission is to prevent such a disturbance to nearby residents. Failure to comply should result in revocation of permission for tables and chairs.</p> <p>Comments by 05-01-16</p> <p>Photo: https://goo.gl/OuLjRO</p>

			<p>Documents: http://goo.gl/OT7nfC</p> <p>Note: Renewal. No change in use or hours: M-Su 08:00-23:00. On 29-12-14 agenda.</p>
4.4	<p>26 Wellington Street 15/10427/TCH Charles Dickens Coffee House/<i>Charles Dickens Coffee House</i></p>	<p>Use of the public highway for the placing of two tables and three chairs in an area measuring 2m x 0.6m on the Tavistock Street frontage and three tables and six chairs on the Wellington Street frontage measuring 5.4m x 0.6m.</p>	<p>Whilst the CGCA does not object to the use of tables and chairs at this location, we do object to the proposed number, particularly on the Tavistock Street frontage. A more appropriate use is two tables and four chairs on the Wellington Street elevation and one table and two chairs on the Tavistock Street elevation.</p> <p>As the applicant's drawing illustrates, no space is allowed between chairs at the Tavistock Street frontage. The drawing shows the tables-and-chairs configuration with the chairs pushed under the table and with their backs pushed against each other. This is not realistic given that customers must be seated in the chairs. The CGCA conservatively estimates that a person seated at the table takes up at least 45cm. Thus, the applicant would need to show at least 90cm between chairs.</p> <p>Also on the Tavistock Street frontage, the measurement at the top shows 2550mm. With the 600mm indicated for the width of tables and chairs, this leaves 1950mm, which is below Westminster's minimum of 2m clearance.</p> <p>This is particularly an issue at this location, which experiences consistently high footfall with pedestrians going to and from the Piazza, the Strand and the Royal Opera House. Vehicular traffic is also consistently high, creating more of a health and safety concern for pedestrians being forced to walk in the road.</p> <p>The tables and chairs on the Wellington Street frontage should also be reduced by one table and two chairs. As proposed, the street furniture is too tightly packed, which has led to the furniture being pushed further beyond the permitted area once customers are seated.</p> <p>Comments by 06-01-16 Photo: https://goo.gl/goQMxl Documents: http://goo.gl/1ZtdtK Note: Renewal. No change in use or hours: M-F 08:00-23:00; SA-SU 09:00-23:00. On 29-12-14 agenda.</p>
4.5	<p>351 Strand WC2R OHS 15/10680/FULL Wellington/<i>Mitchells & Butlers Leisure Retail Ltd.; Poppleston Allen Solicitors (agent)</i></p>	<p>Variation of Conditions 1, 2 and 6 of planning permission dated 17-04-2015 namely, to amend the plans to allow a waiter station, additional table and an additional four chairs to be placed within the permitted area, and Variation of Condition 3 to allow the premises to render the furniture unusable at 23:00.</p>	<p>The CGCA has previously objected to the excessive number of tables and chairs at this location at one of the busiest (both vehicular and cycle, and pedestrian traffic) locations in Covent Garden. As the attached photos illustrate, the applicant has already commandeered a sizeable area of the public highway; the addition of an additional table and chairs and street furniture will only exacerbate this.</p> <p>Although the general standard for tables and chairs is to allow for 2m on the public highway, Westminster's policy regarding tables and chairs has built in flexibility and requires planners to consider the volume of footfall. The heavier the volume, the more space is required on the public highway. There are few locations in Covent Garden that have heavier footfall than this site at Strand and Wellington Street.</p> <p>In permission granted on 08 June 2015, a Westminster planning officer cited concerns of the Highways Planning Manager that the area for tables and chairs creates a pinchpoint of 1.6m – well below Westminster's 2m minimum – to the nearest lamppost column adjacent to the Lyceum Theatre. The officer recommended permission because the number of tables and chairs had been approved in previous years. However, this does not provide a solid</p>

			<p>basis for approving additional tables and chairs, which would further put pressure on the already identified limited space for pedestrians.</p> <p>The applicant misleadingly omitted from the proposed layout the heavily used cycle highway next to the tables and chairs. This cycle highway further reduces the space on the public highway for pedestrians and, thus, expanding the applicant's already-excessive use of tables and chairs would result in further constraining pedestrians by creating more obstacles and obstructions.</p> <p>The result is a dangerous assault course for pedestrians. Many pedestrians in this area are children, as the Lion King at the Lyceum Theatre next door attracts large numbers of children. Those with wheelchairs or pushchairs also have difficulty manoeuvring along the public highway at this location. This is compounded nightly, when a wall of pedicabs forms at the bottom of Wellington Street, adjacent to the tables and chairs.</p> <p>CGCA members regularly note that tables and chairs are pushed well beyond their permitted location, due the sheer number of customers. Additionally, vertical drinkers consistently stand en masse outside of the barriers, leaving no room for passing pedestrians. The CGCA emphasises that this location is a public highway, not a pub garden and, thus, permission for this additional street furniture should be refused, not merely subjected to an informative that the applicant continues to ignore. Instead, the applicant should be required to demonstrate that they can successfully manage existing permission before being allowed to further expand the premise's presence on the public highway.</p> <p>Comments by 06-01-16</p> <p>Photos: https://goo.gl/tOu37J & https://goo.gl/pQuPOP</p> <p>Documents: http://goo.gl/gOHD48</p> <p>Note: Application referred to (14/O3797/FULL) was on 26-05-14 agenda. CGCA had no objection. However, 15/O2894/FULL for "Use of two areas of the public highway measuring 4m x 9m and 1.3m x 4.9m for the placing of 11 tables, 44 chairs and six canvas screens" was on 11-05-15 agenda. CGCA objected.</p> <p>The CGCA objects to the excessive number of tables and chairs at this high-traffic location with excessive footfall. As illustrated on the attached photos, the applicant is using a large menu board between two barriers on the Strand frontage. This is not shown on the proposed or existing layout and, thus, the applicant is not complying with current permission. By using this menu board, the applicant essentially has moved the eastern boundary of the tables and chairs further into the public highway. This creates a significant safety hazard, as a designated cycle highway that is heavily used is next to the tables and chairs. (The applicant has omitted the cycle highway on the proposed layout.)</p> <p>Westminster granted permission, but included an informative that the A-board could not be put on the pavement, as it did not form part of the application.</p>
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5. Other business

6. Next meetings & future presentations

- 6.1 11 January 2016
- 6.2 25 January 2016