

Application No:	Consultees Name:	Received:	Comment:	Response:
2024/4288/P	Covent Garden Community Association (form completed by Amanda Rigby, Co-Chair)	12/12/2024 14:44:23	OBJNOT	<p>As the amenity society for the area, Covent Garden Community Association (CGCA) objects to this application.</p> <p>Work was done last year to reach a compromise, whereby a large terrace could be added to the back of this building despite neighbours objecting to its development. The compromise involved limiting the use of the new terrace to no later than 7pm in the evening.</p> <p>The terrace is over 50 square metres in size, which means that it could easily accommodate over 75 people at a time, standing and drinking and behaving loudly in the evening after work.</p> <p>These people would be looking and speaking directly over towards the walkway and flats in Earlham House, many of which have their windows facing the terrace only a few metres away. These windows include kitchens and bedrooms. One of the rooms most likely to be affected was most recently used as a bedroom for a child needing to get to sleep before 8pm.</p> <p>---</p> <p>Given the existing problems with noise nuisance and overlooking from the existing smaller terrace, which is further away, nuisance later than 7pm from the new terrace from loss of privacy, noise and harassment would be unacceptable. The existing nuisance was described in our objection to application ref. 2023/4798/P.</p> <p>The applicant's acoustic assessment even acknowledges that the noise from a group of people on a terrace here will be well in excess of the 48-49dB background levels at sensitive facades (position LT3). The acoustic assessment also assumed (at paragraphs 3.3, 8.6 and its conclusion at 9.3) that the terrace would only be used during office hours.</p> <p>The problem is exacerbated by the fact that the back of this building and terrace is on one side of a narrow, enclosed yard, and the residential block is on the opposite side of the yard. The walls are hard and high. Any sound made within the yard therefore reverberates and can be a serious nuisance. As ambient levels are very low here, except for old plant and equipment which is due to be replaced as part of the development, such reverberation acts as a disturbing sound spike.</p> <p>It should be remembered that all the residential units face Earlham Street at the front, which is busy and noisy. The quiet enjoyment of their homes at the back is therefore essential to the residents' wellbeing, and they need to be able to have this for at least some of the evening, ie: after 7pm. 8pm is too late.</p> <p>---</p> <p>Given the building's Class E status, the terrace could also become used for a more intensive use than for what the applicant's covering letter refers to as "the occasional post-work gathering" (near the foot of page 3). The building could become a restaurant, as has happened with former office buildings nearby at 28-32 Shelton Street and 6 Langley Street, for example.</p> <p>Even as an office, there is no way to prevent the terrace from being used every weekday evening after work. There are many 'WeWork' types of operation in central London which have a daily post-work drinking culture</p>

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and a high turnover of young occupants, and there is nothing to stop such an operation moving into 164 Shaftesbury Avenue. Other offices hold regular, crowded after-work events which would also be very disruptive to neighbours if they were to continue into the evening.

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The applicant cites 3 examples of terraces on offices in Covent Garden and the nearby area that have permission to be used until 8pm. These are on Flitcroft Street (2022/3338/P), New Oxford Street (2017/0618/P) and Charing Cross Road (2022/3335/P).

We know these sites well. The nearest residential units to any of these sites are further away, and across public highways.

The terraces are also much smaller. On Flitcroft Street it is a small triangular terrace of about 6 square metres. On New Oxford Street it is a narrow wrap-around terrace on the SE corner, of less than 20 square metres area, and it is subject to a further privacy screening condition. On Charing Cross Road it is again a narrow, wrap-around terrace at the front, of less than 20 square metres in total.

The impact of noise in the evening from those sites is therefore minimal in comparison to 164 Shaftesbury Avenue. At 164 Shaftesbury Avenue the terrace is larger, and residential units are at the back rather than across and along a highway at the front.

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A better comparison to this application is the recent application for an office roof terrace at 160-161 Drury Lane, which backs onto an enclosed space with several residential units in a not dissimilar situation. The council's planning committee decided to refuse use of the roof for a terrace there completely.

Please refer to decision notice ref. 2023/2245/P which states at Condition 12:

"Notwithstanding the detail in respect of a second floor rear roof terrace shown on the plans, no approval is granted for a roof terrace in this location (including the balustrading/screening) and the rear flat roof of the first floor rear extension shall at no time be accessed for any purpose other than emergency or for maintenance."

It is regrettable that the same did not happen with the 6th floor roof at 164 Shaftesbury Avenue, too, as the impact on residents will be similar to the impact at 160-161 Drury Lane. However, given that a new 6th floor terrace was permitted at 164 Shaftesbury Avenue, the restriction on hours of use until 7pm is essential.

Please refuse any extension of the hours of use beyond 7pm.

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