



42 Earham Street, Covent Garden, London WC2H 9LA

website: [REDACTED]

Charles Thuaire,
LBC Regeneration and Planning
6th Floor
Camden Town Hall Extension
Argyle Street
London
WC1H 8EQ

23rd September 2014

Dear Mr. Thuaire,

Application: The Hospital Group – 2012/0976/P

This is to give the comments of the CGCA to the latest amended application. The description of the application is that it is for:

Variation of the details of the method of waste storage and removal, approved on 18/09/01 (ref: PSX0104540) pursuant to condition 6 of planning permission dated 7/04/00 for the redevelopment of site to accommodate various arts-based uses (ref: PS9904338/R1) REVISED PLAN- revised Servicing Plan and Waste Management Plan; changes to layout of internal service area; alterations to public highway, loading and parking bays in Shorts Gardens and Endell Street.

Before giving our detailed comments we would like to remind you why waste management and servicing of the premises is an issue for residents.

The original permission (PS9904338/R1) and the associated S106 Agreement includes a requirement to have a waste management strategy which includes a compactor (see DN Condition 6). The permission also includes a Condition 10 that *"The internal service area shall be used by vehicles for the servicing of the premises only and shall not be used for the parking of any vehicles or for the dropping off of members or visitors"*.

The reason given for these conditions are:

Waste Management – Condition 6

To safeguard the amenities of the adjoining premises and the area generally

Service Road – Condition 10

"To avoid obstruction of the surrounding streets and to safeguard amenities of adjacent premises".

Schedule 6 and 7 of the S106 Agreement refer to an internal service area to which deliveries would be made with hours of operation of 08:00 – 20:00 Monday to Friday and 09:00-13:00 on Saturday. The waste management requirements included a Waste Compactor within the building and storage bins for some types of waste. Collection of these was to be from within the building. This was also reflected in the Waste Management Strategy document.

The need for the servicing of the building to be carried out from the internal bay is because servicing of a building of this type has the potential to cause a significant loss of amenity for people in the immediate area.

The experience since THG opened is that they have failed to comply with these conditions and the S106. This has caused issues for residents related primarily to the use of vehicles parked in the road outside for servicing the premises. These vehicles cause obstructions causing other vehicles to have to mount pavements to pass. This happens at times outside the times permitted for servicing the premises, which causes a significant noise nuisance. Times for servicing from the internal service road were amended (without a formal application for the amended times) in 2004. However the issue of the problems caused by servicing from external bays were not addressed. These issues include the fact that the streets are blocked by refuse vehicles which are collecting waste from THG as well as vehicles delivering and collecting products and hire equipment.

This situation has now been going on for more than 10 years. Neighbouring residents and the CGCA would like to see a set of conditions and a management plan which carry a suitable balance between that which is workable for THG and which has the smallest possible level of impact on residents, not just "do not materially prejudice" their amenity.

The CGCA is treating this application as having 4 parts:

1. The proposed alterations to on-street bays to produce a loading bay close to the service area for the site.
2. The revised layout of the internal servicing bay
3. The amendment of Condition 6 to remove the requirement to have a compactor included in the Waste Management plan and the amendment of the Waste Management Plan required by Condition 6 and by the Sixth Schedule of the S106 Agreement.
4. The amendment of the Servicing Plan required by the Seventh schedule of the S106 Agreement.

We are treating them in this order because without the alterations to the on-street bays neither of the other amendments is acceptable. We are pleased to note that this is now acknowledged in the Servicing Plan. Paragraph 11 states that *"The remainder of this document assumes that these road alterations and associated TMO's have been made. Until this has happened the existing Servicing Plan remains in force."* We would observe that the Hospital has **never** been able to comply with the existing Servicing Plan

1. Proposed alterations to on-street bays.

This proposal will, as stated, be the subject of further consultation by Highways but we are giving our response here.

As you will know the CGCA has discussed this proposal at some length with THG. We have come, reluctantly, to the conclusion that THG are unwilling to comply with the intent of the original DN and S106 to service the site from within the service road and that LBC are unwilling or unable to enforce the terms of the DN and S106. In this situation we believe that the proposal to make changes to street geometry and provide a time limited loading bay close to THG's service road is the "least bad" solution. This is because it is the one which minimises the impact on the amenity of residents around the site from the servicing activity. As we have previously noted the site is currently partially serviced from the street and this is both noisy (because

there is no bay immediately adjacent to the premises) and also blocks the road causing congestion, additional noise and requiring vehicles to mount the pavement.

We are in no doubt that there will be a number of different views expressed by local residents on this proposal as few will wish to have an additional loading bay outside residential property. We are also aware that the proposal will require the relocation of some CA-C residents bays and a Doctor's Parking bay. Our view is that a new bay of some sort is needed and that it should meet the following criteria.

- a. It should be as close as possible to the premises in order to minimise the distance that materials need to be transported along the pavement or road as this will minimise congestion and noise.
- b. The road at the location of the bay should be wide enough for other large vehicles to pass any vehicle parked in the bay.
- c. It should be used only within hours when it is reasonable to expect loading and unloading to take place.

Our view is that the proposed bay location satisfies a and b. We do **NOT** see any reason why the bay should operate outside the normal hours for loading bays in this area, which are 08:30-18:30 Monday to Saturday and believe that the bay should be restricted to these times. We have been clear with the applicant that this should be the restriction and they have chosen still to request longer hours without providing any justification for this. The applicant has been clear that the bay is being provided for those deliveries and collections which are **unable** to use the internal service area, not just those for which the street is more convenient. These should be a small number and a window of 10 hours in the day should, we believe, be perfectly adequate to allow this. Given the location of the bay immediately opposite Dudley Court, a large residential block, we do not accept that operation after 18:30 is justified.

We note that there has been an experiment carried out to see if reversing the direction of the service road makes any difference and it has been decided that this provides no benefit and could make matters worse because the time vehicles spend on the street increases. This was, we would submit, perfectly predictable and we are concerned that this experiment has delayed further the consideration of this application on which we first made comments on in May 2012!

2. The revised layout of the internal servicing bay

We do not object to this change as it returns the situation to the one which should have been in place from the start.

3. The amendment of Condition 6 to remove the requirement to have a compactor included in the Waste Management plan and the amendment of the Waste Management Plan.

The argument in THG's covering letter for removing the requirement for a compactor is that there is a reduced quantity of waste and so there is no longer a requirement for one. They stated (in 2008/2007/P) that this is because of the closure of the public restaurant within the building. If you consider that it is appropriate to amend this condition then you should also **impose** a condition barring the applicant from reopening this restaurant without a further application and requiring him to amend the Premises Licence to remove the restaurant from the Licensable area and activities. If this is not done the applicant could easily revert to the original quantity of waste without reverting to the original waste strategy.

The proposed Waste Management Plan contains at Paragraph 11 the statement that *"In view of the Hospital's current use and the associated quantity and type of waste created, the on-site compaction of waste is not considered necessary. However, The Hospital will keep this under review and should the type and quantity of waste change significantly in the future, revised measures will be given consideration."* Our view is that this is not sufficiently robust because it is not enforceable by the Council. An alternative to our proposal above would be to impose a condition restricting the number of waste collections to 2 daily (waste and recyclables) as well as 3 glass collections per week. If a change in circumstances required THG to increase the number of collections then they would be forced to apply to amend this condition and then the discussion about compaction could be reopened.

Provided that the bay alterations proposed are actually implemented and the revised waste management plan adhered to then the CGCA has no other objection to the amendment of this condition.

4. The amendment of the Servicing Plan required by the Seventh schedule of the S106 Agreement.

We have discussed the revised Servicing Plan with THG at some length and believe that the proposed plan is the "least bad" option. We would like to emphasise that paragraphs 16 and 25 of the plan make very clear that the intention is that servicing is still carried out from the internal service road. Any servicing from the new bay is an **exception** which need to be **specifically requested** by the supplier because there is no alternative, rather than a convenience for either for him or for THG. We expect that LBC will make sure that THG comply with this element of the plan.

We hope that these comments are clear.

As will be clear from the history of this Development there is a significant potential impact from this seemingly small amendment and we would therefore wish to ensure that any decision to grant the application is taken by the Development Control Committee and not by delegated decision. If there are any steps we need to take to ensure that this happens please let us know.

If you have any questions please contact us.

Yours sincerely,



David Kaner
For CGCA Planning Committee