

**From:** Roger Myddelton [REDACTED]  
**Sent:** 20 August 2014 15:55  
**To:** Planning; Oliver.nelson@camden.gov.uk; Madlani, Rishi (Councillor); Harrison, Adam (Councillor)  
**Subject:** St Giles Hotel/Hudson's House 2014/4639/P

**Re: St Giles Hotel/Hudson's House 2014/4639/P**

My wife and I are writing to object to the above application, which we understand is in part a retrospective application.

We live on the third floor of Block D of Bedford Court Mansions, in a flat with a bay window overlooking Bedford Avenue from which the St Giles Hotel/Hudson's House premises are easily visible.

We believe that this application needs to be considered in the light of other applications relating to the St Giles Hotel/Hudson's House premises, particularly for the **Tables & Chairs Application APP/PREMISES-VARY/000820** for the space immediately outside the window (refused), and for the **Application for advertisement consent: 2014/3894/A**, which, I understand, has recently been granted although it seems extraordinary that it was not considered at the same time as this application as it is so closely related to it.

The proposed timber cladding is, in our view, inappropriate to the immediate surroundings and out of keeping with other finishes used on the St Giles Hotel building and neighbouring buildings.

We believe the proposed fixed canopy is a development that is highly likely to encourage the use of the pavement space beneath the canopy and adjoining to be used as part of the Hudson's House licensed premises. Such use was rejected when the hotel's Premises Licence was considered under the Licensing Act (PREM-LIC\2443) in December 2013. The status of the folding glass doors allowing access from the Hudson's House premises to the highway is also something that should be considered – though we are not planning experts we believe that this development has never received the planning permission required for such a change.

We also feel strongly that the proposed LED illuminations at the E and W ends of the proposed fixed canopy structure would be completely out of place in the immediate environment, in a predominantly residential street. No mention is made of luminosity, but if they are similar to those currently used on the sign just within the premises, their brightness would make them far more visible and intrusive than the much more traditional illuminated signs for the St Giles Hotel.

It seems clear to us that the canopy, with its proposed advertising, is one more example of the continuing efforts of St Giles Hotel/Hudson's House to bring into the surrounding streets commercial activities that properly belong within the confines of the hotel building (which is already a massive development of the site considering its proximity to Bedford Square, one of the most architecturally important squares in London, and to the conservation area around it). There is a substantial residential community opposite and adjacent to the premises in question, and Hudson's House should not be permitted to encroach on public spaces.

Please keep us informed of developments relating to this application.

Yours faithfully

**Roger and Bridget Myddelton**

111 Bedford Court Mansions  
Bedford Avenue  
London WC1B 3AG

020 7580 5457

20 August 2014



## **ST GILES HOTEL**

12 BEDFORD AVENUE, LONDON WC1B 3GH

### **INSTALLATION OF TIMBER CLADDING TO GROUND FLOOR ENTRANCE IN CONNECTION WITH HOTEL USE**

Application for planning permission: 2014/4639/P

Application for advertisement consent: 2014/3894/A

17 August 2014

The Bloomsbury Association objects to this application and wishes to make the following comments.

#### **1. Background**

There is an existing steel and timber canopy structure over the entrance to the bar on Bedford Avenue called 'Hudson's House'. This seems to be a separate business and separate A3/A4 use, with a separate address to the St Giles Hotel, but nevertheless exploiting its supposed status as 'ancillary to the hotel use'. It was erected together with 2-storey high external timber cladding to the facade of the hotel without planning permission in 2013 and enforcement action was taken against the breach of planning control (EN13-0622). Internally illuminated signs were removed immediately and the hotel was required to remove the canopy and cladding. The hotel appealed against this and the enforcement action was upheld with the proviso that it be removed by the end of July 2014. We understand that Camden Council decided to take no further legal action until this application is determined as it involves the reuse of, and effectively retrospective consent for parts of the illegal canopy.

The application comprises two parts: an application for planning permission (2014/4639/P) and an application for advertisement consent (2014/3894/A). The two are inextricably linked. The statutory site notice of these applications displayed outside the premises states that the Council will receive comments within 21 days of the date on the notice, which is 30 July 2014. Perversely the application for advertisement consent was decided on 14 August 2014, before the expiry of the period within which comments will be received and without consultation. Importantly, it was also decided without reference to this application as, without planning permission for the structure that supports them, the advertisements cannot be implemented and the consent is void.

There is no legal obligation to consult on applications for advertisement consent but 'A guide for advertisers', by the Department for Communities and Local Government states that this is good practice where matters of amenity and public safety are concerned, which Officers and Members are clearly aware is the case here. Camden Council have a link to this guidance on their planning web site. Although highly relevant, Good practice was ignored and the application was decided well within the statutory 8-week consideration period. This was one day longer than the minimum consideration period of two weeks. The case officer had previously been made aware of the sensitivities of the application by e-mail on 9 August and, in a follow-up telephone discussion on 11 August, advised that both applications would be open for further comments to be made until 20 August in order to give sufficient time for those affected by the proposal to comment.

In our discussion we stressed that a decision on either of these applications was likely to provide a justification for challenging the outcome of last year's licensing review of the St Giles Hotel and for overturning the refusal of permission to place tables and chairs on the footway of Bedford Avenue. The Officers acknowledged this.

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 indicates that "in deciding whether to approve your application, the planning authority may consider only two issues; these are described in the rules as the interests of amenity and public safety... in practice, 'amenity' is usually understood to mean the effect upon visual and aural amenity in the immediate neighbourhood of displaying the advertisement, or using an advertisement site, where passers-by, or people living there, will be aware of the advertisement. So in assessing amenity, the planning authority will always consider the local characteristics of the neighbourhood." The Council has not followed this protocol.

For the Council to decide one of the application in advance, thereby depriving those who wish to comment of their right to do so, seems not only to be contrary to recommended good practice but may also be a breach of law. These were major decisions and it seems highly irresponsible and, indeed, unprofessional for the officers to have acted in this manner without consultation with Members, particularly as there had been objections. They should at least have resolved to decide the planning application and the application for advertisement consent together, as they are so inter-related.

## 2. Validity of the application

These are likely to be contentious applications. The Council will probably receive a lot of comments so the applications should be correct. We have examined the material submitted with them and are of the view that neither should have been validated. Should they be determined on this basis, the decision may be challenged through judicial review.

- a. The application for advertisement consent is for the "Display of an advertisement awning with 2 x illuminated LED sign to the east, west and rear-illuminated fascia sign over existing awning...". There is no existing awning. The application for planning permission is for "Installation of timber cladding to ground floor entrance in connection with hotel use". There is an existing canopy structure but it is illegal development. The applications are to replace it not with a new awning but another fixed canopy of the same dimensions utilising parts of the existing, illegal canopy and to which illuminated signage is fixed. Neither application seeks planning permission for this new canopy structure nor it does not lawfully exist.
- b. This is not 'in connection with hotel use'. It is not a functional part of the hotel, but a structural canopy for a business that has a history of encroachment onto the public highway, noise disturbance and unauthorised use of a public footpath. It is promoted by a hotel that has shown little regard for its neighbours, planning law or indeed the Council.
- c. The canopy constitutes development under Section 55 of the Town and Country Planning Act 1990. Section 55 of the Act defines 'development' as "...the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.  
For the purposes of this Act "building operations" includes -  
(a) demolition of buildings;  
(b) rebuilding;  
(c) structural alterations or additions to buildings; and  
(d) other operations normally undertaken by a person carrying on business as a builder."
- d. Therefore the structural canopy is development and planning permission must be sought for its replacement. This means that, under planning legislation, the application for advertisement consent cannot do this as advertising control is not intended to control structural alterations and additions that materially affect the exterior of a building. Therefore we look to this application for planning permission to do this. From the description of the proposal, it is not clear that it does and we therefore question whether the application is legally valid.
- e. Application form Section 3 - This statement is incorrect. Building work has already commenced and this is, in part, a retrospective application containing completed elements that are subject to enforcement action. What is shown on accompanying documents as 'existing' may be in existence but is not legal development. We would have expected 'existing' to describe the building prior to unauthorised development taking place.

- f. Application form Section 4 - This statement is incorrect. The address '12 St Giles Hotel, Bedford Avenue' does not exist, nor does 12 Bedford Avenue.
- g. Application form Section 6 - This statement is incorrect. The proposal is seeking retrospective consent for forming a new pedestrian access from the public highway through a fully openable, folding glass wall that is new and was installed without planning permission at the same time as the original canopy that has been the subject of enforcement action.
- h. Application form Section 7 – An extensive commercial use such as this should not be accepted unless it includes proposals for the storage and collection of waste in accordance with LDF Policy DP26. Mismanagement of waste storage and collection has resulted in enforcement action being taken in the past.  
Servicing of the entire building is restricted by the permission for development (dated 30 September 1975, reference P13/8/A/20545) granted under the Town and Country Planning Act 1971. Condition 5 of the permission states: "No loading or unloading of goods, including fuel, by vehicles arriving at or departing from the premises shall be carried out otherwise than within the curtilage of the building." The reasons for imposition of the condition are given as: "To avoid obstruction of the surrounding streets and to safeguard amenities to adjacent premises". This condition is still highly relevant and often breached. It must be enforced.
- i. Application form Section 14 - Existing use is incorrect. This is an attempt to seek change of established use from hotel to Use Class A3/A4.
- j. Application form Section 20 - This statement is incorrect. Hours of opening are known and were set at last year's formal review of the St Giles Hotel's Premises Licence.
- k. Application form Section 21 - This statement is incorrect as is the site location plan accompanying the application. The application site boundaries and all land necessary to carry out the proposed development need to be outlined in red and any other land owned by the applicant that is close to or adjoining the site needs to be outlined in blue. The proposed structural canopy extends beyond the red line boundary that is shown on drawing number E100.
- l. Application form Section 22 - This statement is incorrect. A large kitchen extract has recently been installed externally at street level on Adeline Place without planning permission being sought. Its noise and smoke emissions have been the subject of many complaints by local residents and the situation is ongoing. It is again subject to enforcement action.
- m. Application form Section 24 - There is no mention of the existing internally illuminated Hudson's House advertisement that has been installed without planning permission being sought or of existing 'A' boards obstructing the public highway.
- n. Application form Section 30/ Certificate B - This statement is incorrect. The applicant has not given notice of the application to the freeholder or to those other parties with an interest in the land, including the St Giles Hotel Ltd, the YMCA, London Central YMCA Ltd and Criterion Capital Ltd.

### **3. Comments on the proposal**

- a. Consideration has to be given to why the Hudson's House bar requires a fully open frontage and a weatherproof canopy that extends 2.85m over the footway. A tables and chairs licence (2013/5157/TC) proposed placing five additional tables, each suitable for accommodating four or more people on Bedford Avenue by reducing the pavement width to 1.8m. This was refused on 13 August 2013.

In the review of the hotel's Premises Licence (PREM-LIC/2443) held under the Licensing Act 2003 in December 2013, use of the public highway as an extension to the bar's business was again prohibited. This was because of concerns for obstruction of the public right of way, public safety, public realm management and the impact on public and residential amenity. These concerns still stand and are a reason for our objection to the current proposal.

Although this application is not within the (extended) Seven Dials SPA it is within one

block of the SPA Northern Boundary. We regard this area as 'sensitive' and subject to overflow pressures from both the Covent Garden and Soho late-night entertainment business.

Two blocks of Bedford Court Mansions face the application site. Together, they contain approximately 60 homes. Public nuisance, noise and disturbance generated by the drunken behavior of users of the tables and chairs placed on the 'private forecourt' outside Hudson's House is already a problem. The Police intervened on 19 July 2013 - the night that the bar reopened after its forced closure by the Council - and visit the hotel regularly.

There are already five tables with chairs outside the unauthorised folding doors of the bar, seating approximately 20 people. Adding more people, sitting or standing, on the footway will create a group of such magnitude that it would be inevitable that noise, disturbance and public nuisance would increase from the current high level if permission were granted. LDF Policy DP26 states: *"The Council will protect the quality of life of occupants and neighbours by only granting permission for development that does not cause harm to amenity. The factors we will consider include:*

- a) visual privacy and overlooking;
- b) overlooking and clutter;
- c) sunlight, daylight and artificial light levels;
- d) noise and vibration levels;
- e) odour, fumes and dust;
- f) microclimate;
- g) the inclusion of appropriate attenuation measures."

All the footpaths on Bedford Avenue were carefully relayed in 2006 as part of the Council's flagship Boulevard Project and have come to be regarded as exemplary. Prior to that, the width of the footpath narrowed at this point to less than 1 metre to allow taxis to park outside the hotel. The Council considered that this was an ill-judged priority and determined to return the space to the public realm for pedestrian use. This is doubly important in view of the objectives of the Council's West End Project. The hotel has made several illegal attempts to appropriate this newly created public space for their private commercial use, as they have already done in parking cars on the footpath of Adeline Place.

People standing or placing tables and chairs on the public footway will cause obstruction to the public's right to free passage, including the arrival and departure of hotel guests and their luggage from coaches and taxis. With the British Museum, Oxford Street and Tottenham Court Road station close by, this is an area of high footfall with, on average, 10 coaches per day and sometimes up to 6 coaches at any one time, each setting down 40-60 passengers.

At present, smokers from the bar stand or sit in the area of the existing canopy. If there is a weatherproof canopy, even without tables, smokers will gather beneath blocking pedestrian access on the remaining free area of pavement.

Camden's General Guidelines state that there should be a minimum clear width of 1.8m between the edge of tables and chairs and the kerb. Clear width is the width available to pedestrians either on a footway or a shared surface between the area being used for tables and chairs and any other obstructions. The proposal will not provide a clear width of 1.8m because fixed street furniture (parking ticket machine, signpost and waste bins) reduces the space available.

This canopy must be seen as being intended for the same purpose that is described here: effecting a previously unauthorised use. The Council can therefore regard it as the first step in a process to overturn previous decisions by the precedent it could set. No indication is given in the applications as to the purpose of the part of the public highway enclosed by the canopy and, again we question whether the application is legally valid, as it is not adequately describing the change of use that it infers. The Council has already deemed the cladding and canopy as unacceptable and illegal.

- b. Should the proposal be approved, there would be three structural canopies on the Bedford Avenue frontage to the St Giles Hotel, each of a different design and the timber

cladding proposed to be retained in the recess would add to the visual incoherence, contrary to the high design quality sought for commercial frontages by LDF Policies DP24 and DP30. This would adversely impact on the architectural expression of the original building, the streetscape of Bedford Avenue and on the adjacent Bloomsbury Conservation Area, contrary to LDF Policies DP24 and DP25.

- c. The proposed lighting would be visible from homes in Bedford Court Mansions that are directly opposite and would impact adversely on residential amenity, contrary to LDF Policy DP26. The lighting would also be visible from Bloomsbury Street and from Bedford Square and would adversely impact on the Bloomsbury Conservation Area and the setting of Grade 1 listed buildings in the Square, contrary to LDF Policy DP25.
- d. A kitchen extract has already been installed at street level on Adeline Place without planning permission being sought. It is located external to the building, is visible from the street and can be considered to materially affect the appearance of the building. It has a damaging visual, olfactory and aural impact, contrary to LDF Policies DP26, DP28 and DP32, and must be considered with the application.

The Association supports good quality design that will enhance Bloomsbury's streetscape, which this clearly does not. With such a demonstrable breach of the Council's planning policy and of its supplementary planning guidance, we look to the Council to refuse this application and to use its enforcement powers to ensure reinstatement.

We would be grateful if you would let us know of any further modification to the application; the decision, if it is to be decided under delegated powers, or the meeting date if it is to be decided by Committee.

Stephen Heath

**On behalf of The Bloomsbury Association**

*Copies to:*

Councillor Sabrina Francis, London Borough of Camden  
Councillor Adam Harrison, London Borough of Camden  
Councillor Rishi Madhani, London Borough of Camden  
Hannah Parker, London Borough of Camden  
Olivier Nelson, London Borough of Camden  
Bloomsbury Conservation Area Advisory Committee  
Steward, Bedford Estate  
Local residents  
Chair, Bedford Court Mansions  
Chair, Bloomsbury Association

London Borough of Camden  
Regeneration and Planning  
2nd Floor, 5 Pancras Square  
c/o Town Hall, Judd Street  
London WC1H 9JE

19 August 2014

Dear Sirs

**Planning application for permanent canopy above pavement outside St Giles' Hotel  
[Application 2014/4639/P]**

During last year the St Giles' Hotel and the operator of the bar within the hotel made a series of unauthorised changes to the St Giles' Hotel with a view to opening the previously internal bar onto the pavement of Bedford Avenue. The site is unsuitable for such use as it is directly opposite a residential building and obstructs a public pavement that leads from Tottenham Court Road into the Bloomsbury Conservation Area and the British Museum. These changes were strongly opposed by local residents and after various consultations we understood that the attempts to retrospectively legitimise these incursions had been rejected by the various Council agencies. We further understand that a planning enforcement action had resulted in a direction to have the current illegal canopy erected by the St Giles' Hotel / Hudson's House removed.

It is therefore beggars belief that the Council would now agree to a fresh application to build a much more substantial canopy in the same location, as it so clearly designed to establish private occupation of the public pavement. The proposal describes a permanently deployed and waterproof canopy that also contains illuminated advertising. Bizarrely, the Council appears to have sanctioned this new advertising under application 2014/3894/A even though the structure to which the signage would be attached is not consented.

We wish therefore to object to this new application on the strongest possible grounds. The history of planning, highways and licencing applications by these organisations points to a sole objective of establish permanent use of the public highway for unrestricted bar use. Even though each previous application has been rejected, St Giles' Hotel / Hudson's House remain determined to try to push through measures to achieve substantially the same ends. This present planning application is more critical than many earlier attempts, in that it proposes to create a permanent and waterproof enclosure above the pavement with signage to delimit the area beneath as private rather than public space, further applications to colonise the space would no doubt follow.

To consent to this application would undermine the Council's future authority in all planning matters and be an unjustified derogation of its obligations to the local community.

Yours faithfully

John Hare MA RIBA  
Prof Lisa Jardine CBE



## BEDFORD COURT MANSIONS

London Borough of Camden  
Regeneration and Planning  
2nd Floor, 5 Pancras Square  
c/o Town Hall, Judd Street  
London WC1H 9JE

19 August 2014

Dear Sirs

Planning application for permanent canopy above pavement & cladding on the exterior of Hudsons House and St Giles Hotel

### **Application 2014/4639/P and associated 2014/3894/A**

I write as Chairman of the Board of Directors and on behalf of nearly 300 residents here in Bedford Court Mansions. A residential block, with a wide demography of residents, many of whom have lived here for a substantial period of time.

We are amazed that Camden and its officers consistently fail to take into consideration the ongoing upset that is caused by the St Giles Hotel and its associated businesses. It consistently plays the system to get what it wants, either by ignoring any permissions that are required until it gets caught and then trying to legitimize it by applying retrospectively.

This is a case in point.

Last year a canopy and the cladding were added to the exterior of the bar known as Hudson House. Without any planning permission. When this was challenged they then applied to put a number of tables and chairs beneath the canopy, on the public footpath. This was refused

They were ordered to remove the tables and chairs and strict regulations on operating times etc were enforced by a judicial review.

They were ordered to remove the cladding and the canopy. They so far have ignored this order.

So instead of complying with these decisions and encouraged by Camden not enforcing them, Hudson House/St Giles Hotel now applies again....for basically the same thing.

**They are trying to privatize the footpath for their own commercial use. There can be no other reason for such a large canopy over a footpath.**

By stealth they are attempting to mark out an outside space for tables & chairs, and more importantly their customers - blocking the right of way on the footpath.

This establishment is surrounded by residential buildings and is at the corner of the Bloomsbury Conservation area. Why does Camden and its officers consistently fail to

## BEDFORD COURT MANSIONS

take this into consideration?

Time and time again St Giles and its associated businesses make application that are incorrect, is this in order that they will over time wear down the local residents? They don't even have their own address correct on the application. So it will be withdrawn no doubt and we shall have to be bothered again when they apply...but of course in the meantime the illegal structures that have been ordered removed can stay.

### **Finally the proposed illuminated advertising.**

It is proposed to be attached onto a new and substantial canopy for which no planning application has yet been made.

But yet it appears that the officers at Camden have approved this illumination of our residential street.

The advertising at either end of the canopy facing TCR and the residential building of Bedford Court Mansions However, it is totally obscured from TCR by the canopy over the entrance of the St Giles Hotel.

So what is the point of the illumination?

It will only blight the quiet enjoyment of this residential area by the local residents here at Bedford Court Mansions

We strongly urge the planners and the officers of Camden to see this for what it is a cynical attempt to circumvent previous decisions to get what they want and in doing so to over commercialize this area and ruin the lives of the many residents that live in such close proximity to these establishments

Yours faithfully



**Paul Spyker**  
Chairman  
**Bedford Court Mansions Ltd**