

[REDACTED]

From: O'Donnell, Shane

Sent: 06 April 2016 4:13 PM

To: Planning

Subject: FW: Objection to application number 2015/1182/P: erection of a single storey side extension to restaurant 'Fields Bar & Kitchen' at Lincolns Inn Fields, London WC2A 3LH.

Please can the attached be logged as an objection on the application and 2015/1681/P.

Thank You

Shane O'Donnell
Planning Officer

Telephone: 020 7974 2944



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From: A. Rigby, CGCA [REDACTED]

Sent: 05 April 2016 23:21

To: Planning and Public protection; O'Donnell, Shane

Cc: Walter Hand, Hon. Sec of FLIF; CGCA Planning

Subject: Objection to application number 2015/1182/P: erection of a single storey side extension to restaurant 'Fields Bar & Kitchen' at Lincolns Inn Fields, London WC2A 3LH.

Dear Shane,

Following our conversation, please find attached our official letter of objection and its attachment.

We have endeavoured to give as much context as we can without writing a long-winded document. However, we have files and files of documents on this subject if you need us to dig out anything else.

With good wishes,
- Amanda.

*Amanda Rigby
Vice-Chair,
Covent Garden Community Association*

My mobi [REDACTED]
My email: ARigby@CoventGarden.org.uk



42 Earlham Street, London WC2H 9LA
Office telephone: 020 7836 5555 to leave a message which will be attended to usually within a week
Office email: info@CoventGarden.org.uk
Website: www.CoventGarden.org.uk

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CGCA objection signed,
5.4.16.pdf



Lincoln's Inn Fields
restaurant p...3.4.07.doc



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Shane O'Donnell
Planning officer
London Borough of Camden

Sent via:
ppp@Camden.gov.uk, and
Shane.O'Donnell@camden.gov.uk

5th April 2016

Dear Mr. O'Donnell,

Re. application number 2015/1182/P: erection of a single storey side extension to restaurant 'Fields Bar & Kitchen' at Lincolns Inn Fields, London WC2A 3LH.

Please accept this letter as **our objection to the proposals outlined in this application.**

The Covent Garden Community Association ("CGCA") represents the interests of over 7,000 residents of Covent Garden, as well as many small businesses and workers in the area. We are the recognised amenity society for council consultation on planning and licensing matters here, and have been operating for 45 years.

For the local residents and workers whom we represent, Lincoln's Inn Fields is the only local public park, and the main open space giving respite from the frenetic activity of the West End.

We must object to any proposal to erect new buildings or extend existing buildings in the Fields.

Lincoln's Inn Fields was a private space until about 120 years ago. It was then leased to L. B. Camden as a public space under certain conditions which are enshrined in the London County Council (Improvements) Act 1894. The relevant section appears below

30 (7) No building shall be erected or maintained in any part of
the Garden other than the buildings now existing therein or such
other buildings of a similar character as may be requisite in con-
nection with the convenient use and maintenance of the Garden
as by this Act directed and no marquee or tent shall be erected in
35 any part of the Garden.

When the current building was erected, L. B Camden as the local planning authority was initially unaware of the unusual protections afforded to Lincoln's Inn Fields. Unfortunately numerous errors were made during the project to build and let the restaurant. Some of these were later examined in Camden's report to the Scrutiny panel in 2007, which we attach. The most serious error that is relevant here is the failure of the Council to consult virtually anyone who knew anything about the site – even local ward councillors. Had the Council done so, it would quickly have realized that the building was not permitted under the Act.

Rather than demand that it be taken down, local ward councillors and CGCA as the nearest amenity society, adopted a very reasonable stance – accepting that it should remain as long as it could be removed at any time due to its 'pack away', foundation-free nature.

Covent Garden Community Association, continued...

At the same time L. B. Camden parks department had inserted a clause into the London Local Authorities Bill in an attempt to relax the protections of the 1894 Act, so that they could build the restaurant and also erect enormous marquees for corporate events in Lincoln's Inn Fields. CGCA with many local people, and the Society of Lincoln's Inn, together resisted this change in the law at House of Lords committee and succeeded in having the proposed changes quashed. The law therefore continues to be in full force.

CGCA and other interested parties established the Friends of Lincoln's Inn Fields immediately afterwards, to act as guardians of the space and ensure that such a debacle would never be repeated. This was in response to the House of Lords committee's advice on 30/3/2006 (Lady McIntosh of Hudnall delivering the Committee's decisions): "The Committee, therefore, strongly advises the users and residents of Lincoln's Inn Fields to form a consultative body and engage in dialogue with the London Borough of Camden as to how the Fields should be maintained and funded in future. The Committee concludes that Clause 112 should not proceed."

You will now appreciate that any attempt to extend the restaurant would only make this bad situation worse. It would leave us with little choice but to press for the dismantling of the building that was put up in error, and for it to be re-erected somewhere more suitable.

We doubt that the current leaseholders of the restaurant are aware of all this. We and the Friends of Lincoln's Inn Fields are reaching out to them, and we intend to meet with them this month to explain what might otherwise be a bit of a baffling situation. They are certainly not to blame for the fact that they are, sadly, already operating in the Fields on sufferance.

Please let us know when any hearing will take place.

Yours sincerely,



Amanda Rigby
Vice-Chair.

LONDON BOROUGH OF CAMDEN	WAR D Holb orn & Cove nt Gard en
REPORT TITLE: INVESTIGATION INTO THE MANAGEMENT OF THE LINCOLN'S INN FIELDS CAFÉ / RESTAURANT PROJECT	
REPORT OF Acting Director of Culture and Environment	
FOR SUBMISSION TO The Culture and Environment Scrutiny Committee	DAT E 3 rd April 2007

SUMMARY OF REPORT

This report summarises the outcome of a Management Investigation into the Lincoln's Inn Fields Consultations with a focus on 'lessons learned' and the actions necessary to avoid similar mistakes in the future.

Local Government Act 1972 – Access to Information

The following document that are required to be listed were used in the preparation of this report.

- Project files for the Lincoln's Inn Café / Restaurant project

Contact Officer:

Alex Williams

Assistant Director,
Street Management
Culture and Environment

6th Floor,
Town Hall
Extension

Argyle Street

**RECOMMENDATION
S**

That the Culture and Environment Scrutiny note the outcome of the Management Investigation and the lessons learned in Section 4 of this report.

**Signed by Acting Director/Assistant Director
Culture and Environment Directorate:**

Date:

1. BACKGROUND

- 1.1 The Executive considered a report in respect of the lease for the Terrace Restaurant at Lincoln's Inn Fields at their meeting on the 13th September 2006,
2. The decision of the Executive was as follows: -
 - (i) THAT the objections received by the Council in response to the advertisement under the statutory consultation procedure that the Council proposes to grant a lease of the new catering facility and some adjoining land at Lincolns Inn Fields;
 - (ii) THAT the grant of such lease to Mr. Patrick Williams be granted upon the principal terms set out in paragraph 3.5 of this report which have been agreed on a subject to contract basis and on such other terms as the Head of Property Services shall agree; and
 - (iii) THAT officers investigate the possibility of including the following conditions in the lease:
 - a, having a reasonably priced counter service;
 - b, advertising that service;
 - c, excluding the small area in front of the terrace from the demise of the lease;
 - d, the hours of operation to be coterminous with the hours of Lincolns Inn Fields;
 - e, the exclusion of private hire; and
 - f, possibility of reducing the lease term.
- 1.3 On 21st September 2006, a valid request to call in this decision was received from Councillors Sue Vincent, Maya de Souza, Brian Woodrow and Julian Fulbrook. Once such a request is made, the decision cannot be implemented until the call in process has been completed.
- 1.4 The Culture and Environment Scrutiny Committee considered the ' call in' request on 8th November 2006. The Committee endorsed the Executive decision and resolved,

'THAT there be an investigation into what went wrong and what steps had been taken to ensure that it does not happen again. Officers should also investigate how consultations on the applications were poorly handled. '
- 1.5 The investigation has been led by Alex Williams the Assistant Director, Street Management. He has not previously been involved in this project and for the

record is no relation to the lessee, Patrick Williams. This report has been discussed with the Executive Member, Culture, prior to it being submitted to the Culture and Environment Scrutiny Committee

Scope & Methodology

- 1.6 The investigation has focused on the following issues:
- I. the project management of the scheme, looking at all of the issues relating to design, planning, licensing and approval of the lease.
 - II. Consultation processes followed for each stage of the project.
 - III. Recommendations for future management of similar schemes
- 1.7 The following people have been contacted as part of this investigation:
- o Martin Stanton – Head of Parks Service
 - o Brian Jefferies – Principal Valuer, Property Services Division
 - o Tim Cronin - Head of Development Control

2. PROJECT TIMETABLE

- 2.1. The project has been developed over the last 8 years and the key milestones are as follows:
- | | |
|------|--|
| 1999 | Catering Facility Working party of officers and local community group meet to discuss future café / restaurant uses in Lincoln's Inn Fields. |
| 2000 | Start of design process in consultation with the Lincoln's Inn Fields Association. |
| 2001 | |
| 2002 | Approval of £200,000 budget to build a new café / restaurant and Head of Parks seeks views from LIFA on type and style of the of facility |

2003	September – Project team formed involving staff from Property Services and Legal Services
2004	July – Expressions of interest for new lease sought September – final bids were considered December – Executive Member for Resources approves 20 year lease award to Patrick Williams
2005	April – Planning application approved, with a limit to trading at 9 pm June to August – New restaurant constructed August – Restaurant opens for trading November – License application granted
2006	July – Proposed lease of Public Open Space advertised in the local press in accordance with Section 123 Local Government Act 1972 Sept – Report to Executive

3. ASSESSMENT OF THE KEY STAGES

3.1. This report sets out and assesses how the following stages were managed:

- Design stage
- Planning application
- Licensing
- Lease agreement

In addition, it also assesses the overall project management.

Looking at each stage in turn.

Design stage

3.2. The initial consultation, conducted in 1999 / 2000 did involve extensive consultation on the design of a café. The Parks Service worked closely with the Lincoln's Inn Fields Association (LIFA) who served as an umbrella organisation for many of the residents and frontagers in the vicinity.

- 3.3. It is good practice to seek the involvement of local community groups at such a formative stage. However the two lessons to learn from this stage in the process:
- 1) It appears that LIFA, was beginning to wind down at this time and the level of engagement within the group was not as much as we would have expected. In hindsight LIFA may not have been as representative as claimed but there was no reason at this time for any Parks Officers to be aware of this.
 - 2) This consultation exercise did not engage with local elected councilors

Planning Application

- 3.4. The application was submitted in January 2005 and it was determined in April 2005. No criticism has been made of the consultation process undertaken by the Development Control team. This consultation exercise followed statutory procedures and the application was determined, under delegated powers, in April 2005 after first being presented to nominated Members of the Development Control Committee at a weekly briefing session.
- 3.5. The planning permission was for a new café / restaurant that could be used between the hours of 8 am and 9 pm. In September 2005 a further application was considered by the Development Control Sub-Committee to vary the condition that restricted the hours of use of the new building. The request was to extend the opening hours until midnight and this application was refused by the Sub-Committee.
- 3.6. There have been two separate enforcement complaints made about the café. The first was in 2005 claim in a breach of condition in relation to opening hours. Two site visits were made to the café after the permitted closing hours and both times the café was found to be not trading. The second complaint was a more general enforcement complaint about a general compliance check on the implementation of the planning permission itself. Planning Enforcement Officers visited the site and found that the permission has been implemented in accordance with the permission given.

Licensing consultation

- 3.7. The application for a license was made in October 2005 and it was approved in November 2005. The consultation was led by the licensing team and followed statutory procedures. A number of objections were lodged as the application sought licensing hours greater than the opening

times agreed through planning consent. However, the application was amended and the objections withdrawn.

Lease consultation

- 3.8. Work on the new lease for the restaurant originally started in 2004. This involved staff from Property Services, Legal Services and the Parks Service. This started with a tendering exercise to find a suitable occupier and concluded with a report to the Executive Member for Resources, Councillor John Mills, where he agreed to the granting of a 20 year lease to Patrick Williams. This report was drafted by the Head of Property Services and took account of comments received from Legal Services and the Head of Parks.
- 3.9. The report referred to a local consultation group formed in 2000 that was set up to develop this proposal. However the report did not refer to any consultation with local ward members. This was not a formal requirement at the time, however it is one of the lessons to learn from this process and the Head of Property Services has already agreed that future lease decision reports will have a section setting out the views of local ward councilors.
- 3.10. With the understanding that the lease had been approved and with the Heads of Terms agreed in principle, officers in the Leisure & Community Services Department agreed to allow the tenant to occupy the premises and trade from August 2005. At this time the lease had not been signed, but was thought to be able to be resolved relatively quickly. This issue has been discussed with Property Services and they would not recommend allowing tenants into occupation without a tenancy agreement in place first.
- 3.11. The decision to grant a 20-year lease effectively meant that the Council had disposed of this section of the public open space. Officers had failed to appreciate that statutory consultation was required in respect of the lease under section 123 (2A) of the Local Government Act 1972 and a decision to grant the lease had incorrectly been made as a delegated Chief Officer decision in consultation with the Executive Lead Member for Resources in advance of this statutory consultation.
- 3.12. The error in the process came to light in May 2006. Consequently meetings with the relevant staff in the Parks Services, Property Services and Legal Services were arranged soon after this was discovered to discuss how the matter should be resolved. The proposal to grant the lease was advertised in July 2006 in accordance with Section 123 of the Local Government Act and the Executive considered the objections in a report to their meeting in September 2006.
- 3.13. The Executive agreed to grant the lease, subject to further negotiations on the issues listed in paragraph 1.2 (iii) of the report. At the time of drafting

this report the lease is still not signed and the Council will not receive the backdated income from the lessee until it is.

- 3.14. The lack of a formal arrangement in terms of the tenant and the Council has clearly exacerbated the difficulties caused by the error in identifying the need for statutory consultation. The tenant entered into the premises at risk as a lease had not been signed and the Council also entered into risk by allowing the tenant to occupy
- 3.15. The circumstances as understood at the time, indicate that this was a reasonable and calculated judgment but good practice for future arrangements must require closer working with Legal and Property Services and avoiding whenever possible situations where tenants occupy without signed leases in place.
- 3.16. To conclude, the granting of a 20 year lease for a structure in a Camden Park was unprecedented and it is clear that officers from all teams did not appreciate the requirement for statutory consultation. Had the consultation taken place earlier, and before the premises were occupied, it would have been easier to resolve some of the issues and concerns raised through the statutory consultation process

Project Management

- 3.17. This project did not follow formal project management procedures. For example, there is no project initiation document setting out the scope of the project, its governance arrangements, indicative timescales and how risks will be managed. This is not uncommon for a project of this scale, however it is clearly an area where lessons can be learned and improvements can be made.
- 3.18. The key areas of concern are as follows:
- Project Team – there was a ‘virtual’ team of officers from the three relevant departments. However there were also no regular meetings arranged where officers could discuss all of the issues for this site and ensure that actions were carried out.
 - Project Timetable – there was no programmed timetable for the delivery of this scheme. Work started in 1999 and over eight years later the project is still not concluded. In this context it is not surprising that the original budget, set in 2002 at £200,000, overspent and the scheme required another £50,000 from the Parks Service maintenance budget to enable it to be completed.
 - Project Scheduling – a number of consents were required to complete this project, including the lease, planning consent and a

license. The project appeared to develop on an ad hoc basis, with no apparent analysis of how best to programme the scheme. For example, it is not clear why the original lease agreement was progressed in advance of the planning consent. The resolution of the planning consent prior to the original lease agreement would have enabled the proposed use to be subject to local consultation and debate, and this may well have made the final lease decision a less contentious issue.

- **Project Governance** – The project files do not provide any evidence of close scrutiny of this project by the relevant Chief Officers during the critical periods in 2004 up until the opening in August 2005. Given the complexity and sensitivity of the scheme this is surprising. It may well be that this was raised in other forums, for example one to one meetings with line managers or regular capital monitoring meetings. However there is no evidence of this having any significant impact on the scheme development.

3.19. The lessons to learn from this stage in the process:

- 1) A Project Initiation Document should be completed for all new projects of this scale and complexity in the future. This should set out the scope of the project, its governance arrangements, indicative timescales and how risks will be managed.
- 2) Progress against the agreed milestones should be tracked regularly and reported to the relevant Chief Officers

4 LESSONS LEARNED

4.1 This investigation has identified the following lessons to learn:

- 1) **Engagement with ward councillors** – This project has been developed over the last eight years and the only time local ward councillors have been formally consulted is as part of the statutory consultation exercise for the planning and licensing consents. Prior to this there has been some discussion at the Member Area Information Exchange, a briefing system that existed for some years under the previous administration. However it is clear that the absence of local elected member involvement worked to the detriment of effective consultation and action is already in place to address this. What is needed for future projects is a commitment to pro actively provide ward councillors with updates on key projects in their ward.

- 2) **Consultation with Groups** – in the early stages of the project the consultation was only with the Lincolns Inn Fields Association. It is now clear that this group was beginning to wind down at this time and the level of engagement within the group was not as much as we would have expected. In hindsight LIFA may not have been as representative as claimed and in future the Parks Services needs to ask and to document how representative local groups are before they reply heavily on them similar consultation exercises.
- 3) **Type of Income Generating Activity in Parks** – It is clear that one of the main concerns of groups who opposed the lease agreement related to the principle of the type of income generating activity such as this new restaurant being allowed in the park. This was a contentious issue in this case and there is a strong possibility that similar proposals elsewhere in the borough would also be contentious. The Parks Service now develop management plans for each Park and Open Space and these plans indicate the type of income generating activity deemed appropriate for each space. These plans are subject to local consultation and so opportunities to consider local concerns around the use of Parks and Open space are now built into the routine management processes of the service
- 4) **Project Management** – The Parks Service need to follow more formal project management techniques. It is essential that Project Initiation Documents should be completed for all new projects of this scale and complexity in the future. This should set out:
- the scope of the project,
 - its governance arrangements,
 - indicative timescales,
 - financial analysis, and
 - how risks will be managed.

In addition progress against the agreed milestones should be formally tracked regularly and pro actively reported to the relevant Chief Officers

- 5) **Lessees Occupying a Facility Before a Lease is Signed** - The decision to allow the lessee to occupy the restaurant was taken by the relevant Chief Officers from the service department and was taken principally to prevent the new structure being vandalized. This was a reasonable and calculated judgment. However, in future it is recommended that no decision is taken in a similar situation without consultation first with the Head of Property Services and Head of Legal Services.
- 6) **Lease Decision Reports** – It is recommended that consultation with local ward members as well as the Executive Member for Resources is

required when a Chief Officer delegated decision is made to grant or take a lease for twenty years or less at market rent (apart from leases within the commercial investment portfolio). This was not a formal requirement at the time this lease was originally agreed, however it is one of the lessons to learn from this process and the Head of Property Services has already started to implement this procedure.

6 LEGAL COMMENTS

1. The Head of Legal Services (Acting) notes the measures suggested in the report and would co-operate in their implementation.

7. FINANCE COMMENTS

1. The measures suggested in Section 4 to help improve the process can be implemented by Parks and Open Spaces within existing budgets.
2. In the worst-case scenario, failure to implement good practice in similar projects may result in the lease not being granted. The potential costs and loss of income from the failure to implement good practice in similar projects could be as follows: (The list is not exhaustive):
 - Additional costs for conversion/alterations.
 - Cost of litigation/damages brought about by the occupant.
 - Associated costs for repairs, maintenance and security until a new tenant is found.
 - Cost of re-tendering.
 - If the project is subsequently abandoned, the cost of demolition and landscaping the area.
 - Loss of rental income.
3. It is recommended that a Finance and Business Unit representative is involved at an early stage if the more formal approach to project management techniques is followed. This would allow to advice the project team in two of the areas recommended in point 4 of section 4 of this report:
 - Financial analysis
 - Risk management (for the financial implications only)

Appendix One – Action Plan for the Lessons Learned

	Lesson	How this will be implemented	Lead Officer	Timetable
1	Engagement with ward councillors - for future projects is a commitment to pro actively provide ward councillors with updates on key projects in their ward.	At key stages in the development and delivery of key parks projects, ward councillors should be consulted on and provided with regular updates on projects. The scope and regularity of engagement to be established at the start of the project and included in the Project Initiation Document (PID).	Head of Parks	All new projects that commence from 1 April 2007
2	Consultation with Groups – the Parks Services needs to ask and to document how representative local groups are before they reply heavily on them similar consultation exercises.	Key stakeholders to be identified at the start of projects and a consultee profile to be completed by local groups and provided to the Head of Parks in order to identify any gaps in the core stakeholder list.	Head of Parks	All new projects that commence from 1 April 2007

	Lesson	How this will be implemented	Lead Officer	Timetable
3	<p>Type of Income Generating Activity in Parks – The Parks Service to develop management plans for each Park and these plans indicate the type of income generating activity deemed appropriate for each space. These plans are subject to local consultation and so opportunities to consider local concerns around the use of Parks and Open space are now built into the routine management processes of the service</p>	<p>The Parks and Open Spaces Strategy was approved by Members in October 2005, within this is an agreement to develop management plans for each park, to date 4 have been completed. The service will continue to develop management plans to include the range of income generating activity and consultation with local communities.</p>	Head of Parks	Ongoing
4	<p>Project Management – The Parks Service need to follow more formal project management techniques. It is essential that Project Initiation Documents should be completed for all new projects of this scale and complexity in the future.</p> <p>In addition progress against the agreed milestones should be formally tracked regularly and pro actively reported to the relevant Chief Officers</p>	<p>Establish a formal project management structure for key parks projects to include a Project Initiation Document and regular progress reports against key milestones to be reported to the Assistant Director, Culture.</p>	Head of Parks / AD Culture	All new projects that commence from 1 April 2007.

	Lesson	How this will be implemented	Lead Officer	Timetable
5	Lessees Occupying a Facility Before a Lease is Signed - that this is a joint decision taken by the relevant Chief Officer from the service department and the Chief Officer covering the role of the Corporate Landlord but there would be a strong presumption against such action.		Head of Property Services	1 st April 2007
6	Lease Decision Reports – These reports need to refer to consultation with local ward members. This was not a formal requirement at the time this lease was originally signed, however it is one of the lessons to learn from this process and	The Head of Property Services has agreed that future lease decisions reports will have a section setting out the views of local ward councilors. In the long term the relevant section of the constitution should be amended to reflect this change in process.	Head of Property Services	1 st April 2007