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3rd October 2019

Dear Mr. Sild,

Re. Application ref. 2019/3728/P

Tesco Express at 43-47 Shelton Street/15 Endell Street WC2H 9HJ. Installation of new shopfront; installation of mechanical plant & associated louvres to ground floor unit (use A1).

This is an application for some changes to an existing A1 unit. The unit has previously been in use as a clothing shop, and the changes are proposed in order to allow it to be used as a Tesco Express Convenience store. The unit forms the ground floor of a residential social housing block with a large number of residents living above, including elderly people and families on the first floor.

It should be noted that there are 10 flats above the unit at 43 & 47 Shelton Street. There are 6 flats beside it at 27-29 Endell Street. There are many more flats opposite it - both on Endell Street and in Odhams Walk social housing block on Shelton Street which comprises over 100 flats.

Whilst the use remains A1, the proposed changes do constitute development and therefore we believe they need to be considered against the requirements of Camden's Local Plan.

We have concerns related to the following:

1. The impact on the local area of the use of the premises as a convenience supermarket with long hours of operation upon neighbouring properties, with noise from the use itself and from the delivery and collection arrangements.
2. The impact on neighbouring properties of the air handling equipment required for the use of the premises as a convenience supermarket. This involves air conditioning, chiller units and CO2 extraction.
3. The impact on residents of noise transmission through the structure of the building from the movement of cages on the ground floor and related activity.
4. The impact on the appearance of the area of the design of the shopfront, and especially the removal of a full, wide shopfront window and its substitution with a large grille on the Shelton Street elevation.
5. The impact on illuminated signage on the amenity residents in the vicinity of the building.

To take these concerns in turn:

1a. Use as a convenience supermarket

CPG – Town Centres makes the point that convenience shopping, of the type provided by a Tesco Express, is usually found in Neighbourhood Centres. The part of Central London in which these premises are situated is not a Neighbourhood Centre.

The local area is described in CPG -Town Centres as follows:

This area of Covent Garden within LB Camden performs a specialist fashion retailing role with a high proportion of independent retailers. The area has a fine grain of development with mostly smaller sized shop premises. The shopping environment is of a high quality and the retailers tend to occupy the upper end of the market.¹

Whilst we acknowledge that the premises are a retail use class, they do not fit with the described role of the area, and they are neither independent nor of high quality.

Further, the policy seeks to prevent changes from A1 retail to food, drink and entertainment uses and makes the point that these types of use:

“can also have harmful effects, such as noise and disturbance to residents, litter, anti-social behaviour, parking and traffic impacts. The level of impact depends on the type of the use, its location, its size and the character and nature of its surroundings. As a result, the Council seeks to guide such uses to locations where their impact can be minimised, and to use planning conditions or obligations to ensure that any remaining impact is controlled. Planning permission will not be granted if proposals are likely to generate harmful impacts.”²

Whilst we are not implying that a Tesco Express is a Food, Drink and Entertainment use in the way defined by the CPG, we do believe this type of premises has many of the same characteristics as that type of use - with customers purchasing food for takeaway, and alcohol to drink in the surrounding area. This is therefore a relevant Planning Consideration.

In the case of these premises, a way to limit the impact of this development on neighbouring properties would be to **limit by Planning Condition the hours of operation** of the premises, including the hours of automatic function of the new doors, so that customers are only permitted on the premises between certain hours on any day. Local feedback indicates that hours between 08:00 and 20:00 on weekdays, and 10:00 and 20:00 on Sundays would be a fair compromise to limit the impact of the use of the premises as a convenience store on those living in the immediate vicinity.

Hours of use by staff and cleaners should also be limited to half an hour before this, and up to two hours afterwards at most. Cleaners operating at non-social hours underneath residential bedrooms can cause significant nuisance and distress.

We also believe that the flats above the unit would benefit from the **installation of double glazing** to lessen the impact of noise from activity outside, whether from increased activity at the doors from customers or from servicing and/or air handling as mentioned below.

¹ CPG Town Centres 3.44

² CPG Town Centres 2.11

1b. Servicing Arrangements

The applicant has not provided any information on how the premises will be serviced. The only nearby loading bay (outside the shops and flats at 27-29 Endell Street) is 10 metres in length and is frequently in use. It is only available for loading between 08:30 and 18:30 Monday to Saturday.

Without any information on the size of vehicle or the frequency of deliveries it is difficult for the council to assess if the premises can be serviced in a period that satisfies the requirements of Local Plan, Policy A4 - Noise and Vibration. Paragraph 6.104 suggests that, to manage potential noise issues, conditions will usually be applied to require deliveries, collections and the loading and unloading of goods and refuse to take place between the hours of 08:00 to 20:00.

In this case we believe that the **hours servicing should be restricted slightly further to fit in with the availability of the loading bay, ie: 08:30-18:30 Monday to Saturday and not at all on Sundays**. There is no practical alternative location for vehicles to stop. In addition, Tesco should be required only to accept deliveries made by a vehicle which is parked fully within the marked loading bay. Tesco has indicated to residents that they will use an 8 metre vehicle for their own deliveries, but have not made any such commitment about deliveries from suppliers. If vehicles longer than those able to fit into the bay are used this will compromise safety and amenity of residents and others in the vicinity. It may also be necessary to restrict the bay for Tesco's use as a specific trader at certain times to avoid congestion from a waiting vehicle. This should allow for deliveries to the Cross Keys pub on the other side of the bay. In due course, smart kerbside technology could be used to achieve this.

The only door available for goods arriving at the premises is the same door as will be used by customers. Given the necessary restrictions on the times when goods can be received, it seems likely that receipt of goods and use by customers will slow the flow of goods into the shop. As a result, there may be a tendency to marshal cages of goods on the pavement outside as happens at some other Tesco stores. If this were done here then there would not be sufficient room for pedestrians. **The use of the pavement as a marshalling area for cages should be prohibited by condition.**

Finally, in the spirit of paragraph 6.105 of the Local Plan, we would like to see **provision of a Delivery and Servicing Management Plan (DSMP) required by planning condition**. This should commit Tesco to comply with the points above and with TfL's Code of Practice for quieter deliveries (referred to in the Local Plan under its former name of 'Retimed Deliveries').

Wording that has been used at other sites in Covent Garden recently is:

"All deliveries will follow the TfL Code of Practice for quieter deliveries (published at <http://content.tfl.gov.uk/codeofpractice.pdf>, and as revised in future). We will ensure that our contracts with suppliers include the right to terminate the supply agreement if they fail to comply with the guidance. We also agree that we will use this right if a supplier continues to cause a nuisance through their delivery activity despite us making reasonable efforts to prevent this."

2. Air Handling Equipment

The proposal includes a substantial amount of air handling equipment, with the intake and exhaust through a wide, high grille on the Shelton Street elevation. This equipment is much more extensive than that required by the previous occupier.

A Noise Impact report has been supplied which aims to show that the noise level will be acceptable at the two receptor locations (R1 and R2). We are not qualified to challenge the detail of the report but we would point out that:

- a) The Noise Impact report states that “The noise climate during the survey period was dominated by local traffic and loud music being played nearby.” The reference to ‘loud music’ suggests that the measured noise level was higher than that usually experienced in this area. There are no premises with music emanating in the evening here. The only other source of music that we would expect would be from passing pedicabs or amplified busking, both of which are illegal after 9pm even across the road in Westminster. So these should have been factored-out. Hence the limit that is assumed is higher than it should actually be in order to reflect the impact on amenity fairly.
- b) Even given this, the predicted R2 noise level is only 1dB below the assumed noise limit.
- c) Not all the equipment that is included in the plant layout drawing appears to have been listed in the report.
- d) We cannot see any allowance for the noise of airflow through the louvres. Any fan-forced flow of air through the louvre is likely to cause a noise which does not appear to have been accounted for, as all the noise corrections in the calculation are reductions in noise level.

Until additional data is provided to show otherwise, or the equipment proposals are changed, we must conclude that the equipment being installed to allow Tesco to operate on this site is likely to cause harm to the amenity of residents living in the vicinity. **Revised proposals for air handling should be submitted** that do not carry this risk. If the proposed operation requires equipment that generates an unacceptable level of nuisance in this location then the nature of the operation must be changed or its location moved.

Further, there is no indication of climate change considerations in relation to this equipment.

3. Noise Transmission

The Noise Impact report and the Sound Insulation Test report show that the noise insulation effect of the concrete ceiling/floor are sufficient to prevent airborne noise transmission. However, the reports acknowledge that “the movement of roll cages through retail premises can be a significant source of structure-borne noise transmission.”

They recommend that a floating floor should be installed in the shop, and they provide two options for this. However, they do not make any claim that this is sufficient to eliminate the risk of noise transmission from the movement of roll cages within the building.

We cannot see whether Tesco is offering to install a floating floor. But we are concerned that, even if Tesco install the recommended type of floor then there is still a risk that the movement of cages will result in loss of amenity for residents living above the unit.

4. Appearance of Shopfront

The current brick shopfront dates from the 1980’s. We make no claim that the building is a distinctive feature within the conservation area, but it is sympathetic. We do not believe that Tesco’s proposal to change it does anything other than worsen the area.

CPG Design states that:

It is important that new shopfronts and alterations to existing shopfronts are sensitively designed and do not detract from the character of the host building or the surrounding area. Insensitive alterations to

existing shop fronts and poorly designed shopfronts in new buildings can erode the character of existing frontages and the local area.³

We believe that the proposed shopfront is not sensitively designed and detracts from the character of the existing building and the surrounding area.

We are particularly concerned about the impact of the removal of a large window to accommodate the louvres required for air handling equipment. We take the view that this erodes the character of the existing frontage, as illustrated below. This element of the application should be removed, and the **air handling arrangements should be altered to allow the existing shop windows to be retained.**

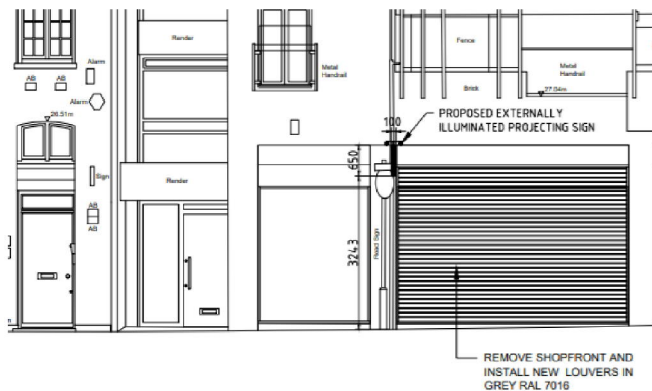
Current appearance of frontage (showing previous occupant's shop window):



Communal residential courtyard garden, with family flats on either side at first to third / fourth floor levels.

Large shop window proposed to be entirely replaced with metal louvre grille.

Frontage as proposed (revised 01/10/19):



Where there should be an attractive window display, there would instead be a grille an enormous 5 metres wide and 3.5 metres high!

In relation to other elements of the shopfront, we feel that wood rather than aluminium throughout would be far more in keeping with both the building (which has extensive wood features above this unit) and with the conservation area in accordance with the Seven Dials Renaissance Study planning document.

³ CPG Design 6.2

We also object to the angled corner and pillar being removed from the ground floor of the building. The corner treatment is an attractive feature. Introducing a conventional right-angled corner to the building will detract from its appearance and character.

5. Signage

The proposed signage drawings are in black & white only. However, we assume that the intention is to use the bright red and blue Tesco brand colours that we are familiar with in shopping centres and out-of-town sites.

We would appreciate the applicant showing respect for unique qualities of the Seven Dials Estate conservation area and using signs that are more minimal both in terms of colour and size.

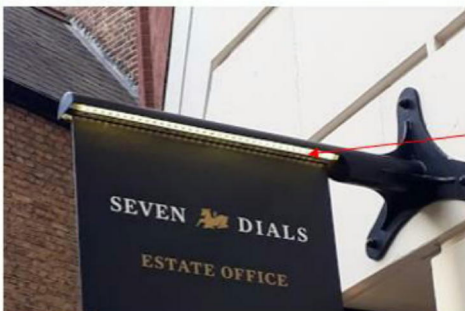
We also object to the use of external illumination, which is not necessary in this area where street lighting has been much improved. If external illumination were to be permitted then it should be turned off when the shop is closed.

The signage on the Tesco on the ground floor of the office building at 22-25 Bedford Street in Covent Garden is more sympathetic. It could be used as an example to follow here, and is shown in the night-time photograph below.



Small, solid letters of a relatively small size. Sympathetic to the building and conservation area (Covent Garden)

We would also suggest the use of small LED strip rather than spotlights if any projecting sign illumination is permitted, such as the example below.



LED strip with gentle quality of light and low area of spill.

No wires or brackets that can be obtrusive and easily damaged.

Finally, we would ask that Tesco is prevented from attaching vinyls to the shop window and from placing the backs of fixtures (such as refrigerators or shelving units) against the windows. These elements can greatly detract from the appearance of the conservation area.

Conclusion

We believe that the application contains proposals that are contrary to policy and should be refused. The existing consent for these premises, 2017/6734/P, for subdivision into smaller units, is more sympathetic to the conservation area and does not require extensive servicing and air handling equipment. That consent should be implemented.

If, however, the local planning authority were to grant consent despite objections, then, since the proposed changes do constitute development, we would ask for the following changes and/or conditions:

- Condition that limits hours of operation of the premises, including the hours of automatic function of the new doors, to between 08:00 and 20:00 on weekdays, and 10:00 and 20:00 on Sundays. Hours of use by staff and cleaners limited to half an hour before this, and up to two hours afterwards.
- Condition that requires the applicant to have double glazing installed on all flats immediately above the unit.
- Condition that requires provision of a Delivery and Servicing Management Plan (DSMP) which includes:
 - All deliveries to be made from vehicles fitting within the loading bay immediately in front of the premises on Endell Street.
 - Hours servicing restricted to fit the loading bay, ie: 08:30-18:30 Monday to Saturday and not at all on Sundays.
 - No marshalling of cages outside the premises.
 - Requirement to comply with TfL's Code of Practice for quieter deliveries for themselves and their suppliers.
- Changes to the proposals for air handling to remove the risk of noise nuisance and climate change impact. And a new noise impact report to include all the proposed equipment and exclude illegally generated noise.
- Changes to the proposals for the shopfront that allow the existing shop windows to be retained and involve no new grille on Shelton Street.
- Changes to the proposals for the shopfront that use wood wherever possible.
- Changes to the proposals for signage that minimise its size and remove illumination (or, at least limit its hours and form).
- Condition that prevents obstruction of the windows or display of obtrusive images on vinyl.

We look forward to working with you further, and to attending any future hearing at which proposals are considered for this site.

Yours sincerely,

Elizabeth Bax
Chair of Planning Subcommittee
Mobile: [REDACTED]