

Application No:	Consultees Name:	Received:	Comment:	Response:
2020/0952/P	Covent Garden Community Association (Elizabeth Bax, Chair of Planning Subcommittee)	04/05/2020 21:51:38	OBJNOT	<p>Covent Garden Community Association (CGCA) objects to this application to convert a double-front shop at 119 Shaftesbury Avenue to a restaurant.</p> <p>Sadly, this is an example of a pattern that is diminishing the character of London's West End. But it is a pattern that Camden, as one of our Local Planning Authorities, can help to reverse.</p> <p>We have already lost many precious businesses as a result of changes to planning uses that are more lucrative and/or independents being priced out by chains. The unit subject to this application represents a particularly harsh blow because the tenant has been Angel's costume hire for many years. This business is now having to move out of the area for the first time in 180 years! Had the landlord of the property been content to ask a sustainable level of rent for retail at this location, then this World-famous business would still be in Shaftesbury Avenue.</p> <p>The pattern when it comes to change of use goes something like this, in our experience:</p> <ol style="list-style-type: none"> <li>1. Retail unit lease comes up for rent review. At this point the landlord may decide to try increasing the yield on his portfolio by pursuing a change of use for the unit.</li> <li>2. Landlord increases rent to a level above that which the current retail tenant can sustain.</li> <li>3. No other retail tenant takes the lease. This may be because the level of rent is simply unsustainable for any retail business at that location. Or it may be because the landlord, sadly, makes no serious attempt to market the unit. Or both.</li> <li>4. The landlord makes an application to the LPA for change of use, citing all sorts of reasons why this would be a good thing. However, the truth is that it is a good thing for the landlord's financial yield while it may well be a bad thing for the area in which the unit is located.</li> </ol> <p>We can't blame property owners for trying to play the system in this way to maximise their yield. But it is the responsibility of the LPA to resist this, and we ask that you do so in this case by rejecting this application.</p> <p>Landlords who buy retail property should be content with retail rents. They go into this business knowing the business cycles, so a downward retail cycle is no reason to put pressure on planners to alter the face of our streets. Changes of use are long-term, and should only be made as part of a strategy to improve a whole neighbourhood.</p> <p>In this case the strategy is reflected generally in Camden's Local Plan, and more specifically in sections that relate to this neighbourhood being within a Protected Secondary Frontage portion of the Tottenham Court Road Central London Frontage. Planning policy supports rejection of this application for two main reasons:</p> <ul style="list-style-type: none"> <li>- Disproportionate loss of shop premises along the protected frontage, and</li> <li>- Absence of measures to deal with amenity issues, such as a Servicing Plan and limits to hours of use.</li> </ul> <p>We deal with these, in turn, below.</p>

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## A. Disproportionate loss of shop premises along frontage

In setting expectations for the mix and balance of uses, the Council has set 66% as the minimum desirable proportion of A1 for secondary frontages within the Tottenham Court Road Central London Frontage. However, consent for this application would lead to the limit being breached.

The run of the frontage in this case starts at the applicant's premises to the East (118-119 Shaftesbury Avenue), continues Westwards around the corner of Cambridge Circus then Northwards up Charing Cross Road. Since a run may include isolated ground floor residential uses, the run could be said to finish either at residential Trentishoe Mansions (at 90 Charing Cross Road) or at Phoenix Street (102 Charing Cross Road).

Change of use at 118-119 Shaftesbury Avenue would lead to A1 use of 25% in the first case and 30% in the second case, based upon the measuring methodology stipulated in Camden's Town centres and Retail CPG as shown in our table below. This application is therefore clearly contrary to policy.

It is worth noting that the applicant's table in the Appendix to the Planning Statement is in error in several ways. Please see our corrected version, below.

We also find it interesting that the applicant wishes to use a longer 'run' by claiming that Phoenix Street is not really a street, apparently partly because it currently has a shared surface and is one-way. But a surface can be changed at any time, and many streets in London are one-way – usually because they are too busy to be two-way! Phoenix Street is certainly well-used and busy, as residents living in the 3 residential blocks there can attest. But even if the applicant's measure were to be used, the A1 frontage measure would still fall below policy, at 47% all the way up to Denmark Street.

Use class mix on ground floor frontage relevant to application at 119 Shaftesbury Avenue

Address	Current occupier	Class use
118-19 Shaftesbury Avenue	(Applicant)	A1
116-17 Shaftesbury Avenue	Pret a Manger	A3
84-86 Charing Cross Road	McDonalds	A3 & A5
88 Charing Cross Road	London Gifts & Souvenirs	A1
90 Charing Cross Road	Trentishoe Mansions	C3
92-94 Charing Cross Road	Macaris guitars	A1
94-96 Charing Cross Road (3-5 Caxton Walk)	Jamon Jamon restaurant	A3
94-96 Charing Cross Road (Caxton Walk)	Offices	B1
96 Charing Cross Road	Salsa nightclub	A3
100-102 Charing Cross Road	Made furniture	A1
104 Charing Cross Road	Kiera Corner newsagent	A1
106 Charing Cross Road	Fantasia massage	A1
108 Charing Cross Road	Vape shop	A1
110 Charing Cross Road	Stub Hub tickets	A1

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112 Charing Cross Road	Phoenix Theatre	D4
114-116 Charing Cross Road	Chipotle restaurant	A3
118-120 Charing Cross Road	TK Maxx	A1

Proportion of A1 uses if run of frontage ends at different places

	Current	Proposed
Trentishoe Mansions	50%	25%
Phoenix Street	40%	30%
Denmark Street	53%	47%

B. Absence of measures to deal with amenity issues, such as a Servicing Plan and limits to hours of use.

The applicant is asking for a new A3 use across a 163 square metre site. The only access is via the front door. The nearest area for deliveries and servicing is some way along Shaftesbury Avenue, outside the Odeon cinema, and this only for allows off-peak unloading on double yellow lines. The quiet streets to the side and rear of the premises (Stacey Street, New Compton Street and Phoenix Street) have no capacity for servicing; there are about 100 residential units in these streets, many occupied by families, as well as our precious community green space – The Phoenix Garden. There are also many residential flats opposite (at Cambridge Court, Gordon Mansions, 148 Shaftesbury Avenue and 152 Shaftesbury Avenue).

While we believe that this application should be refused on policy grounds, as stated above, were the council minded to grant consent for a change of use at this site then we believe that hours of use should be limited to 8am to 11pm to protect nearby residential amenity.

We also think that servicing would be challenging for A3 use at this site. McDonalds is forced to unload supplies from some distance away, outside the Odeon, with conditions on delivery timing. The unit at 119 Shaftesbury Avenue would have to use the same section of time-restricted double yellow lines as McDonalds and the Odeon – in addition to which the Odeon is due for redevelopment into a mix of uses requiring expanded servicing - so any SMP would have to delineate slots to fit in with other users' deliveries and forbid use of residential streets.

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We have one final point, which relates to air extraction.

The applicant's drawings appear to show a flue terminating below the top of the roof. From our experience it is essential that fumes do not get trapped behind buildings, so flues need to terminate at a higher level. They also need to be turned off before premises close.

But in any case we believe that a condition should be applied that requires no part of the premises' extraction equipment to be located on the outside of the building, and that all new restaurants be required by condition to use a recirculating extraction system. There are a number of these now operating within other A3 premises in the Covent Garden area with obvious advantages in terms of noise and air pollution, as well as ease of maintenance.

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In summary we believe that this application should be refused on the grounds of policy, harm to the character of the area and residential amenity.

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