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22<sup>nd</sup> July 2022

Dear Mr. Hope,

Re application ref. 2022/2009/P  
infill extension & creation of roof terraces at 164 Shaftesbury Avenue London WC2H 8HL

Covent Garden Community Association objects to part of this application.

As the amenity society for the area, we do not object to the structural design of the infill on the corner of Shaftesbury Avenue and Mercer Street; we can see potential advantages for the developer that we believe are unlikely to have additional harmful impact on the area given the building's present form. Nor do we object to the design of the new gates on Mercer Street, which look as though they would have a positive impact on the Conservation Area. Nor do we object to cosmetic changes to the façade.

However, for residential amenity reasons:

- We do object to the creation of a large new roof terrace at 6<sup>th</sup> floor level, and the upgrading of the existing smaller roof terrace there.
- We have serious reservations about the enlargement of the roof terraces at 5<sup>th</sup> floor level.
- We have concerns relating to the impact of the infill extension and the relocation of the main door on occupants' behaviour on the street.
- We are concerned about increased movement in the space behind the gates at antisocial hours.
- We are concerned about the impact of the works on residents living only a few metres away.

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## CONTEXT

164 Shaftesbury Avenue is a large building that overlooks the back of Earlam House, a social housing block of 19 flats that adjoins it on Mercer Street. Many of the residents of this block are elderly, and there are also families with children. 164 Shaftesbury Avenue also overlooks the front of the church caretaker's family flat opposite, on the Mercer Street side (street address 166a Shaftesbury Avenue) – which is not, unfortunately, mentioned in the applicant's Planning Statement. Finally, it overlooks bedrooms on 6 floors of the Mercer Street Hotel.

The building now falls into Use Class E. It could be used for more intensive purposes, for example restaurant, without the community being consulted via a further planning application. We have had this happen with an office building in Langley Street, so it is important that any consent is conditioned to take account of more intensive uses within Class E than the current office, unless you are minded to condition activity so as only to take account of Class E(g) – which we would ask you to do if possible.

Even the current office use, however, causes problems, as follows:

1. Office workers congregate and smoke on the terrace on the 6<sup>th</sup> floor, which overlooks Earlham House. They call out to residents, wave etc., which causes distress to some residents. If workers are present there after hours, when the yard between the buildings is very quiet, any noise that they make echoes and enters people's homes even with the windows shut.
2. Office workers congregate and smoke outside the building on the pavements of Mercer Street and Shaftesbury Avenue. It is not a problem on Shaftesbury Avenue, but it causes obstruction on Mercer Street where the pavement is narrow and where people must breathe in the smoke as they pass on foot.

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## **ISSUES WITH THE CURRENT APPLICATION**

### **1. 6th Floor roof terraces**

As noted above, the existing small roof terrace on the 6<sup>th</sup> floor causes problems of nuisance, noise and loss of privacy to residents in Earlham House.

The application seeks to upgrade this terrace and to build another, which appears to be more than twice the size, on the other side of the building. The new terrace would be even closer to people's homes, only a few metres away. It would be immediately next to Earlham House, overlooking their walkway and back windows as shown below. It would therefore cause the same problems as the existing smaller terrace, but to a much greater extent. Residents are not likely to be able to escape noise and overlooking at any times when the terrace is in use.



**View from back of flats, across to existing and proposed 6<sup>th</sup> floor terraces.**

On the other side it would overlook the flat for 166a Shaftesbury Avenue and 6 floors of bedrooms at the Mercer Street Hotel, all within a few metres.

Additional problems that could be caused here relate to the increase in after-work drinking culture. Buildings occupied by shared space providers, such as WeWork, offer alcohol as part of the package and the impact on neighbours can be very hard to live with.

**We ask that you do not grant consent for this new roof terrace at 6<sup>th</sup> floor level.**

If, however, you were minded to grant consent, then we would ask for planning conditions as follows:

- Hours of use only between 08:00 and 19:00 during the week and 09:00 to 19:00 on Saturdays.
- No smoking.
- No music or devices to be played at any time.
- Opaque glass balustrade or fencing to be installed all around the 3 South West to South East sides of the terrace at least 2m high to prevent overlooking.
- No exterior lights to be left on after 19:00.

These conditions are similar to those applied by Camden to a large office terrace at nearby 42 Earlham Street even though it is much further away from residential units (applications ref. 2017/1723/P & 2017/5591/P).

These conditions are also similar to conditions granted on other large office terraces in the area by Westminster, such as 107 Long Acre (application ref. 20/06533/FULL) and 5 Upper St. Martin's Lane (application ref. 19/00870/FULL) which overlook residential units in a similar way to 164 Shaftesbury Avenue. We attach the decision notices for these.

If it is possible to apply the same conditions above to the existing problematic 6<sup>th</sup> floor terrace, we ask you to do so in any case, whether or not you are minded to grant consent for the new terrace.

## **2. 5<sup>th</sup> Floor roof terraces**

The existing 5<sup>th</sup> floor roof terraces overlook the flat for 166a Shaftesbury Avenue and bedrooms at the Mercer Street Hotel. But because the terraces are very small, groups are not able to congregate there and cause the sorts of problems listed above.

If the terraces are enlarged then problems could well be caused in the same way as the existing 6<sup>th</sup> floor terrace causes problems to flats in Earlham House.

**We ask that you do not grant consent for the 5<sup>th</sup> floor roof terraces to be enlarged.**

If, however, you were minded to grant consent, then we would ask for planning conditions to be applied to them as well as to the existing small 6<sup>th</sup> floor terrace as a quid-pro-quo as follows:

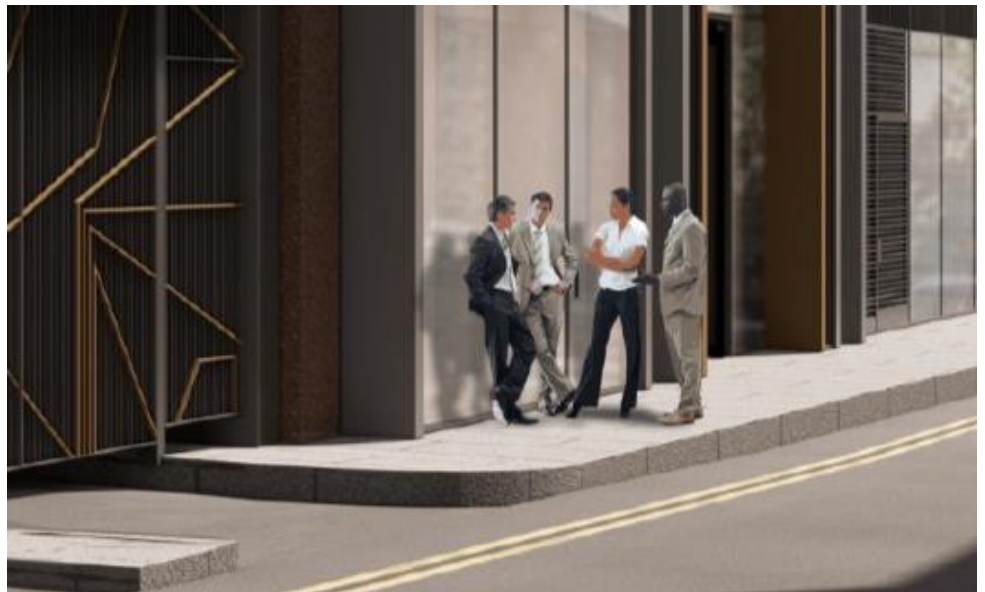
- Hours of use only between 08:00 and 19:00 during the week and 09:00 to 19:00 on Saturdays.
- No smoking.
- No music or devices to be played at any time.
- Opaque glass balustrade or fencing to be installed along the South side of the existing 6<sup>th</sup> floor terrace to lessen overlooking.
- No exterior lights to be left on after 19:00.

### **3. Infill & relocation of front door**

Whilst we do not object to the design of these elements in themselves, we would ask for conditions to mitigate likely problems caused by occupants using the pavement outside to smoke.

**We ask that for a planning condition to be applied** that does not allow any smoking area on the Mercer Street side of the building, nor indeed in the yard behind it. This will leave the Shaftesbury Avenue side for this activity where it is unlikely to cause issues with either fumes or obstruction.

This picture from the applicant's Planning Statement shows how little room is likely to be left to pass when a group of people gather on the pavement outside the new entrance door.



### **4. Yard**

The proposals are likely to lead to increased activity in the yard which lies behind the Mercer Street gates and directly behind the flats of Earlham House. This space is hard-surfaced and every sound echoes, particularly later in the evening and early in the morning when there is very little background noise.

The activity will be from people using the new ramp to access the extensive new bicycle storage area, and going to and from the changing rooms. The ramp will also be used for moving waste.

**We ask that for a planning condition to be applied** that allows use of the ramp only between the hours of 8:00 and 21:00 during the week and 09:00 to 21:00 on Saturdays, and that any basement access is only via the new main door on Mercer Street outside those hours. We ask also that the gates are only used for emergency access outside those times.

We would be interested to be involved in discussions with the applicant prior to them establishing any internal Servicing / Operational Management Plan, and would appreciate you requesting that they approach us about this.

### **5. Demolition & Construction**

Given the close proximity to people's homes and to hotel bedrooms, the management of the demolition and construction works is clearly of great local concern.

Construction access is also going to be tricky given the constraints of the site. Mercer Street is the only access route from the North West into Seven Dials, and Shaftesbury Avenue is a key arterial road.

We would be interested to be involved in discussions with Camden and with the applicant prior to agreement of a Construction Management Plan.

But in any case we ask that no works are allowed outside Camden's usual hours of noisy working. It is sadly the experience of people throughout Covent Garden that, if any works at all are allowed at antisocial times then it is very difficult to prevent them causing problems. There is a case at the moment at Space House on Kingsway (application ref. 2019/2773/P), following on from cases such as the Hoxton Hotel and Aviation House 4 years ago, where residents were so badly affected that we had to call a public meeting with Camden's senior officers to establish a way forward.

We would ask for a large performance bond to be applied here, and a substantial fee to be payable for each and any contravention of the CMP or reasonable cause for complaint.

We also ask that no noisy works take place before 9am and after 2pm, due to the very close proximity of family flats, and of flats where elderly people live who are not able to go out.

Yours sincerely,

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Elizabeth Bax  
Chair, Planning Subcommittee

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