1. RECOMMENDATION

For Sub-Committee's consideration:

1. Does the Sub-Committee agree that the proposed use of the premises for retail purposes is only acceptable if an appropriate replacement cultural use is provided elsewhere in Westminster prior to the commencement of the retail use?

2. Subject to 1 above, grant conditional permission subject to a S106 legal agreement to secure the following:

   i) The provision of residential floorspace of a minimum of 1400m2 within the vicinity of the application site to be delivered prior to the occupation of the retail unit.
   ii) A financial contribution of £93,800 towards public realm projects.
   iii) The provision of a replacement cultural use elsewhere within Westminster prior to the operation of the retail unit.
3. If within 6 weeks of the resolution to grant conditional planning permission the S106 planning obligation has not been completed and there is no immediate prospect of the obligation being completed the applications may be reported back to Sub-Committee.

4. Grant conditional listed building consent.

5. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.
2. SUMMARY

The Africa Centre has occupied this building since the early 1960s. The building is in need of significant repair and restoration which the Africa Centre Trustees do not consider they can undertake with current funds. The long lease of the building was sold to Capital and Counties (Covent Garden London). The Trustees of the Africa Centre state the proceeds from the sale will enable their survival, enable them to buy more suitable, practical premises, and ensure an ongoing cultural/arts programme.

Covent Garden London (the applicant) has purchased the King Street building; this planning application seeks to change the use of the building to a retail shop with ancillary offices, in line with the applicant's overall aspirations for King Street.

Many strong objections have been received on the grounds of the loss of the Africa Centre, historic building issues, and other non planning matters.

The Trustees of the Africa Centre have made it clear that they do not wish to continue operating from this site; there are issues with the state of the existing building, requiring significant investment to repair and refurbish. Our UDP and Core Strategy policies generally seek to protect existing cultural and community uses. Without a concrete alternative location to be secured by legal agreement, there would be a loss of cultural/social and community floorspace, contrary to our Core Strategy and UDP policies. Whilst the applicant has not offered a concrete alternative location for a cultural/community use, the only basis on which the application is acceptable is to require an alternative site to be secured before the retail use comes into use. Sub-Committee's views are sought on this issue.

3. CONSULTATIONS

COVENT GARDEN COMMUNITY ASSOCIATION
No objection.

COVENT GARDEN AREA TRUST
Support the application. The Trustees are concerned that unless money is spent on restoration then the building could become unsafe and uninhabitable. As the intention is to relocate the Africa Centre to another premises nearby then the only losses to the area would be A3/A4 uses and there are more than enough of these establishments.

ENVIRONMENTAL HEALTH
No objection.

CLEANSING MANAGER
No objection subject to conditions.

BUILDING CONTROL
There is some excavation in the basement; a simple underpinning process is likely to be required if the existing foundations are not deep enough.

HIGHWAYS PLANNING MANAGER
Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

'Save the Africa Centre' campaign has submitted a summary and evidence of their campaign to stop the Trustees selling the building. The documents comprise an on line petition, comments made on the public pages of the petition website, a summary of the contents of a
facebook page supporting the STAC; a summary of the campaign and sequence of events;
the design proposals for refurbishment and a 'vision document' outlining the potential reforms
for the charity's governance and means of raising sufficient income.

In addition, 93 letters of objection have been received raising the following issues:

Land Use
- Without the Africa Centre, King Street and Covent Garden will be poorer - a cultural centre
could enhance and provide diversity for a street being revitalised by international retail
brands.
- Retail cannot replace a use of such cultural and historical significance.
- The loss of the Africa Centre will undermine the character of Covent Garden and the
conservation area.
- The claim that the charity will buy the RCS building is misleading - no guarantee this will
happen.
- The retail shop will erase the legacy of the Africa Centre; is another shop so critical that it
justifies the removal of the Africa Centre?
- The loss of the building to retail is a sad testament to this country's long history of
supporting and fostering an environment for different cultures to thrive.
- Africa Centre is an important part of the heritage of London's African communities.
- The location of the building in Covent Garden is significant; Westminster does not cater for
the Black Asian Minority Ethnic demographic.
- The Africa Centre has represented the only space dedicated to African (and Black)
performance art in the centre of London.
- The Africa Centre is a social, political and cultural platform at the heart of London for
Africans and people interested in the continent; it played a huge role as a platform for
liberation movements and was a focal point for people in the struggle for independence in the
1950s/60s.
- The retail outlet will have no connection to Africa.
- There is only one Africa Centre in the UK and it has huge significance to UK based African
community and beyond.

Design/Conservation
- The application documents underestimate the historical importance of the existing
building.

Other
- The sale has no regard to the community served by the Centre.
- Inadequate consultation of users and friends of the Africa Centre by the Trustees.
- Lack of transparency in the way the Trustees have negotiated the sale.
- Question the legality of the sale.
- An alternative consortium offered £3.6m to refurbish the Centre in 2011.
- The campaign to stop the sale in 2011/12 had support from around 4,000 people including
high profile politicians and community leaders.
- The alleged £4m required for refurbishment is artificially inflated.
- No involvement of the supporters of the charity, cultural and business groups, students,
high commissions and representatives of African countries in the decision to sell.
- This is the most historically significant building for people of African descent in the UK.
- Save the Africa Centre campaign has submitted papers to UNESCO with regard to the
preservation of the building and its links to the African community.
- A huge monetary investment is not required to improve the building.

ADVERTISEMENT/SITE NOTICE: Yes
4. BACKGROUND INFORMATION

4.1 The Application Site

The application site is known as the Africa Centre. It is a Grade II listed, mid terrace building comprising basement, ground and four upper floors. It is within the Covent Garden Conservation Area, the Core Central Activities Zone, the ‘West End Special Retail Policy Area’ and the West End Strategic Cultural Area, as defined by the Core Strategy.

4.2 Relevant History

The building dates from 1773-4. It has been extensively altered and repaired over the years; with the ground floor entrance and shop window being late 20th century, along with the fourth floor roof extension and terrace.

The building has been used as the ‘Africa Centre’ since the early 1960s when it was donated to the people of Africa by the Catholic Church who owned the building at the time.

5. THE PROPOSAL

The application is for a change of use of the entire building to a single Class A1 retail unit, with the primary retail floorspace at basement, ground and first floor with ancillary offices at second to fourth floors.

In terms of physical alteration to the building, a new shopfront is proposed with level access, along with the restoration/replacement of the lantern at first floor level above the ‘auction hall’ and infilling of a small internal lightwell. A small amount of excavation is proposed to the vaults and basement level to improve floor to ceiling heights, and various internal alterations are proposed including the installation of a new lift.

6. DETAILED CONSIDERATIONS

6.1 Land Use

6.1.1 Retail and increase in commercial floorspace

Policies CS7 and CS20 support the provision of Class A1 retail floorspace in appropriate locations. King Street is characterised by a predominance of Class A1 retail, along with several restaurants and some offices. The upper floors are generally used for either residential or office purposes. Whilst it is acknowledged that retail is an entirely appropriate use in this location, the key planning issue here is the loss of the existing use.

Policy CS1 of the Core Strategy and Policy CENT 3 of the UDP relates to mixed uses in the Central Activities Zone – it requires that for increases in commercial floorspace, an equivalent amount of residential floorspace will need to be provided on site. Where on site provision of residential floorspace is not considered appropriate or practical, the policies allow for off site provision or a payment in lieu.

The existing lawful use, being a sui generis cultural/community centre incorporating many different uses, is not considered to be ‘commercial’ floorspace with the exception of the shop in the front section of the ground floor. The floorspace figures broken down by uses within the Africa Centre are as follows (applicant’s figures):

Retail (ground floor) – 37m2
Ground floor ‘auction hall’ – 212m2
Comedy club/bar area – 479m2
Other/offices – 710m²

As discussed, taking the retail out of the ‘commercial floorspace’ calculation, there is an increase of 1401m². The applicant does not accept the City Council’s interpretation of commercial floorspace and argue that the office element of the Africa Centre constitutes commercial floorspace already. However, the offices have historically formed part of the Africa Centre, and were an integral part of its overall use as a cultural centre and in officers view it is considered appropriate to include them as non commercial floorspace.

In addressing CS1 and CENT 3, it is certainly not considered practical to provide residential accommodation on site given the listed status of the building and the single entrance from the street.

The applicant has identified that there are properties in their ownership in the vicinity which could potentially be converted to residential use to fulfill the requirements of CENT 3. This would be the preferred option in policy terms, subject to the selected site(s) being suitable and obtaining planning permission.

This approach would need to be secured by a S106 legal agreement.

6.1.2 Existing use as the ‘Africa Centre’ (sui generis).

The combination of uses on this site does not lend itself to a straightforward classification within the Use Classes Order. As such, it is a use beyond classification, sui generis. The building is multi functional. Since the building was first occupied as the Africa Centre, it has been used for many functions in connection with supporting the African community in London – for example providing office space on the upper floors for African businesses and other commercial functions, cultural and educational events in the auction hall to the rear ground floor, an African focused retail unit at ground level, performance space (in the auction hall and in the basement), a restaurant and bar in the basement, community centre and generally acting as a focal point for the African community.

Over the years the building has fallen into disrepair and is now clearly in need of restoration; the Africa Centre has been in financial decline since the 1990s due to the low levels of income from the combined uses on site and costs of maintenance etc. The Africa Centre that occupies the building today is not as it once was, and a lot of the space within it is not directly used by African related functions. At basement level there is currently a comedy club and bar; there is a large area in the basement used for storage of Covent Garden street performers’ props and also serves as a changing area. At ground floor there is a self-contained shop with a street frontage which was once occupied by African-related retailers; it has recently been used by a series of ‘pop up’ operations. To the rear part of the ground floor is a grand ‘auction room’ with a galleried mezzanine level surrounding it, comprising one of the key remaining parts of historic fabric. This is occasionally used to stage events such as film screenings etc. The upper floors comprise various businesses, some of which are African.

Whatever the nature of the existing use, the building has a long established and renowned use as a multifunctional cultural and community centre; it contributes to the diversity of land uses typical of Covent Garden. The Core Strategy and UDP contain several policies which seek to protect such land uses.

Policy CS33 relates to ‘social and community infrastructure’. It states that ‘all social and community floorspace will be protected except where existing provision is being reconfigured, upgraded or is being relocated in order to improve services…. In all such cases the Council will need to be satisfied that the overall level of social and community provision is improved and there is no demand for an alternative social and community use for that floorspace’. Similarly, Policy SOC 1 of the UDP states that existing community facilities will be protected;
part E of the policy requires proposals which result in the change of use of such facilities to include adequate replacement facilities.

Policy CS21 states that existing cultural uses will be protected. The site is also within the West End Strategic Cultural Area where new cultural uses are acceptable.

Policy CS26 of the Core Strategy is also pertinent. It protects buildings and uses of international and national importance.

6.1.3 The potential relocation of the Africa Centre

The Trustees of the Africa Centre do not wish the Africa Centre to remain in this building due to the level of investment required to refurbish and maintain it. In a letter supporting the application they state that the building is draining the charity of what funds it has left. The Trustees state they have commissioned a number of feasibility studies and business plans since 2003 which have not worked.

The Africa Centre has carried out some minor refurbishments and repairs which they state were funded by an Arts Council grant in 2004. The refurbishment concentrated on the areas of the building which were capable of generating income; this, however, has not done anything to tackle the growing problem of the state of other areas of the building.

The applicant has provided a copy of an e-mail dated 29 November 2011 from the Arts Council to the Africa Centre regarding their review of a refurbishment project. The Arts Council make it clear to the Africa Centre that they "do not consider that the building can be turned into a sustainable centre for showcasing professional arts. The footprint is too small, and the listing... makes it difficult/impossible to turn it into a viable performance space that will accommodate contemporary work and audiences and offer them the standard of experience that they expect". They go on to state that they have been unconvinced by any of the business plans shown to them so far which involve the reworking of the existing King Street building to sustain a viable professional arts programme and business/leisure centre for Africans living and working in London. They consider the investment required would make it untenable. They make it clear that the basis on which they agreed to fund the Africa Centre in the first place was on the proviso that there was a sustainable arts programme. They do not consider that such a programme has been forthcoming. They state their intention to seek to recover their funding through the sale of the existing building. No further grant has been made available since 2010/2011.

In March 2012, the Africa Centre entered into an Option Agreement with Capital and Counties (Covent Garden London) to sell a 125 year lease at an above market premium. The proceeds would enable the Africa Centre to relocate to a cheaper building, and it would use the remainder of the money as a reserve to enable its future operation within the new building. The Trustees had proposed to relocate to the Royal Commonwealth Society building on Northumberland Avenue, but the property transaction fell through as the Africa Centre was outbid.

The Trustees state that the sale of the long lease of No. 38 King Street to Capital and Counties has enabled them to contend seriously for the purchase of other buildings; the proceeds of the transaction at No. 38 King Street are therefore hugely important to the Trustees. The Trustees state that they are continuing to search for new premises, but have yet to secure anywhere. They state that the proceeds from the sale has enabled them to set up an Africa Centre Endowment Fund which will enable the funding of a programme of events and further their charitable objectives.

Objectors clearly have many issues with the Trustees intentions. There was a well publicised and well supported campaign between March 2011 and May 2012 to stop the sale of the
building. The 'Save the Africa Centre campaign' has submitted a record of their campaign to stop the sale, including copies of petitions (1475 signatories), public comments made by signatories of the petition, record of a Facebook page with 1410 followers from around the world, details of an alternative refurbishment proposal and a business plan/vision for fundraising and changes in governance to the charity.

The Save the Africa Centre campaign does not consider that the Trustees have fully explored the alternatives to selling the building. They consider that there is a fundamental connection between this building and the function of the Africa Centre which should not be lost. They are convinced there is potential to revitalise the Centre and raise money for repair and refurbishment. A consortium of people wishing to keep the Africa Centre at 38 King Street presented an alternative refurbishment proposal backed by a £3.6m investment with a business/fundraising plan and indicative proposals for alterations to the building by the architect David Adjaye. STAC state that the proposal was withdrawn by the main backers six months later following a lack of dialogue with the Trustees.

Whilst there has been an alternative scheme put forward to keep the Africa Centre at No. 38 King Street, given it is not a formal proposal put before the City Council, it would not be appropriate to comment on the merits of the scheme presented by STAC. It does, however, demonstrate that there is an appetite to keep the Centre at 38 King Street. Equally, it is not the place of the planning process to form any judgements about the merits of the fundraising or business plans submitted to support STAC’s objections. It is noted that there have been ongoing disputes between various parties in relation to how the Africa Centre as a charity is administered and run, particularly in terms of the upkeep and running of No. 38 King Street. However, the details of the constitution and structure of the Africa Centre as a charitable organisation and the powers of the Trustees are not something which form material planning considerations.

The large number of objections to the loss of the Africa Centre from this particular location shows the level of feeling and attachment that the King Street location and this particular building have in terms of providing a focal point for the African community since the early 1960s. Many objectors make the point that the Africa Centre is one of a kind and has been unique in providing a cultural hub and platform particularly during the time when many African nations were gaining independence.

The main issue here is whether the case has been made to justify the loss of this use in this location given the lack of an agreed alternative site.

Covent Garden London state that they will need to invest £4m to refurbish and upgrade the building to make it suitable for retail occupation. Whilst not being able to comment upon the precise level of investment required, it is accepted that this building is in need of extensive restoration work. It would be reasonable to assume that the quality and finish required to accommodate a 'high quality' retailer (in line with their aspirations for King Street) would be more costly than a refurbishment to enable continued occupation by a cultural centre. It is unclear why the bid from STAC for refurbishment failed. The Trustees are adamant that the building cannot continue to function as the Africa Centre with the current financial situation of the charity and the condition of the building. On the face of it therefore, there is a case to be made for its relocation to another suitable site.

The benefits of refurbishment and retention of the building in the retail scheme by CGL are recognised and offer advantages. However, there is clearly an appetite amongst the supporters of the Africa Centre to retain the operation at No. 38 King Street.

The key issue is the retention of an equivalent cultural use within Westminster, in line with the aspirations of our adopted policies. Policy SOC 1 of the UDP and CS33 of the Core Strategy are very clear in that they require existing community facilities to be protected unless they are
being relocated to improve the service. If the loss of a community facility is accepted then the Council needs to be satisfied that there is no alternative community occupier for that building. In this case, in the absence of a concrete proposal (in the form of a planning application) for any alternative site, then there is no guarantee of any future physical space within Westminster for the Africa Centre or even another cultural use (since it is the ‘cultural’ floorspace that the policy protects rather than specific operators). If permission is granted for the retail use before there is any guarantee that there is an acceptable alternative site for the Africa Centre or a cultural use, then the Africa Centre would potentially be without a home and the existing cultural floorspace lost. As it stands, the proposal is contrary to SOC1, CS33, CS21 and CS26, unless an alternative site for cultural use of comparative floorspace is secured within Westminster.

6.1.4 Marketing

Covent Garden London has been marketing the property since June 2012 - no specific restrictions were advised in terms of any appropriate use of the premises and a rent level was not quoted. CGL’s agents state that there has been little interest in the property due to the cost of refurbishment and the sui generis use which means that planning permission would be required for any alternative use. The only interest has been from restaurant/entertainment uses. Whilst it is acknowledged that the state of the building and current use may be obstacles to new tenants (and the amount of money they would be willing to pay for rental) they are not obstacles which cannot be overcome. Full details of the marketing have not been submitted and it is difficult to place much weight on the marketing and subsequent lack of interest as a means of justifying the change of use of the building in the absence of a significant period of marketing and precise details of the marketing strategy. Given the interest from the consortium associated with STAC, it would be difficult to claim that there has been absolutely no interest in continuing the cultural/community use of the existing building.

6.2 Townscape and Design

No. 38 King Street is a much altered, Grade II listed, 18th century terraced house. It was largely re-built in the 1960s and the chief remaining special interest of the building is in the 1820s gallery / auction room at the rear and the front facade.

The proposals are to refurbish the existing building including infilling a lightwell that is not of any special interest, installing a new glass lift to the retail areas, refurbishing the lantern light and externally installing a new shopfront. As proposed, the shopfront would be largely glazed with a timber frame and is considered too modern in style for the building. If the proposals were considered acceptable in other respects, an amending condition is proposed to secure a more traditional design. The remainder of the works are considered uncontentious and the proposals are in line with Policies CS24, CS27, DES1, DES5, DES9 and DES10. Given that the application for listed building consent is considered solely in relation to the physical alterations and their impact on the historic fabric of the building and wider conservation area, then it is recommended listed building consent is granted subject to conditions.

6.3 Amenity

It is not considered that the change of use will have any significant implications for the amenity of surrounding residents. There are no extensions or alterations which would affect daylight, sunlight or sense of enclosure to residential windows. The comings and goings associated with a retail use are very unlikely to be above and beyond those associated with the Africa Centre. As such, the proposals are considered to be in line with Policies CS28, CS31, ENV13, ENV6 and ENV7, all of which aim to protect the amenity of existing residents and keep mechanical noise to appropriate levels.
6.4 Transportation and Parking

The servicing requirements for the retail unit can be met on-street. It is not considered that the proposed retail use would put any undue pressure on the availability of on street parking in the vicinity.

6.5 Economic Considerations

Any economic benefits generated from the change of use are welcomed.

6.6 Other UDP/Westminster Policy Considerations

Not applicable.

6.7 The London Plan

The application is not referable to the Mayor of London. It is not considered that the proposals have any significant implications for the London Plan.

6.8 National Guidance

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans “according to their degree of consistency” with the NPPF. The City Council has recently published the NPPF Revisions to the Core Strategy which was submitted to the Secretary of State on 25 January 2013. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

6.9 Planning Obligations

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

(a) necessary to make the development acceptable in planning terms;
(b) directly related to the development; and
(c) fairly and reasonably related in scale and kind to the development.

Policy CS32 of the Core Strategy relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of development; ensure the development complies with policy requirements within the development plan; and, if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures the overall delivery of appropriate development is not compromised.
In terms of securing the residential floorspace required under our mixed use policies, a planning obligation will be required to secure 1400m2 of residential floorspace, which must be made ready for occupation prior to the first use of the retail unit.

The proposed development is only acceptable subject to the provision of alternative cultural/social and community floorspace elsewhere within Westminster. This must be secured by legal agreement requiring the new floorspace to be fitted out ready for occupation prior to the first use of the retail unit.

Our Planning Obligations Supplementary Planning Guidance also requires schemes where there is an increase in commercial floorspace of 200m2 or more to contribute towards public realm projects. The SPG sets this rate at £67 per square metre for all new non-office commercial floorspace. On the basis that it is considered the increase in commercial floorspace is 1400m2 (to which the applicant does not agree), this equates to a contribution of £93,800 which would also need to be secured by legal agreement.

6.10 Environmental Assessment including Sustainability and Biodiversity Issues

The application is of insufficient scale to require an Environmental Statement.

6.11 Other Matters

As discussed, matters pertaining to the governance of the charity, the legality of the sale and other matters of administration within the charity are not material planning considerations and are covered by other legislation.

6.12 Conclusion

The fact remains that for many, there is a strong and long standing connection with this building and its role in the representation of Africa within the UK. The Council has adopted policies to protect existing social and community uses; without any secured alternative premises for the Africa Centre, it is potentially without a home. However, the building is clearly in need of extensive repair and refurbishment. Notwithstanding the strong views of the objectors, the Trustees of the Africa Centre have emphatically said that they do not consider it appropriate in financial or practical terms for their charity to continue to run from this building and fund its continued use as a cultural centre given the expenditure required for refurbishment and the lack of any public subsidy.

Irrespective of whether there is an application for an alternative use, the Africa Centre is free to give up their presence in this building at any time; the City Council cannot insist that they stay. Our policies protect floorspace given over to social/community/cultural uses, not individual occupiers. On this basis, the planning application is only acceptable if the cultural floorspace is provided elsewhere in Westminster.

Sub-Committee's views are therefore sought on whether a strong enough case has been made to set aside the policy preference to retain existing social and community use given the circumstances presented by this case.

BACKGROUND PAPERS

1. Application forms
2. E-mail from the Covent Garden Community Association dated 9 October 2012.
4. E-mail from the District Surveyor dated 17 October 2012.
5. Memorandum from the Cleansing Manager dated 4 October 2012.
7. Copy of an e-mail from the Arts Council dated 29 November 2011.
8. Letter from the Trustees of the Africa Centre dated 1 May 2013.

Letters of objection:
9. Letter and attachments from Save the Africa Centre Campaign, dated 26 October 2012.
10. E-mail from the occupier, 34 Bishops Road, Cambridge dated 19 October 2012.
11. E-mail from the occupier, 8 Vessage Court, London dated 19 October 2012.
12. E-mail from the occupier, 218 Randolph Avenue, London dated 20 October 2012.
13. E-mail from the occupier, 149 High Street, Teddington dated 20 October 2012.
14. E-mail from the occupier, 58 Stanhope Road, St Albans dated 21 October 2012.
15. E-mail from the occupier, 5 Pyrland Road, London dated 21 October 2012.
16. E-mail from the occupier, 12 Ravenhill Drive, Wolverhampton dated 21 October 2012.
17. E-mail from the occupier, 51 Camberwell Grove, London, dated 21 October 2012.
18. E-mail from the occupier, 12 Jupiter Court, Caldwell St, London dated 21 October 2012.
19. E-mail from the occupier, 149 High Street, Teddington dated 21 October 2012.
20. E-mail from the occupier, 50A Eynham Rd, London dated 21 October 2012.
21. E-mail from the occupier, 12 Longe Road, London dated 21 October 2012.
22. E-mail from the Dept of English and Humanities, Birkbeck, University of London, dated 21 October 2012.
23. E-mail from the occupier, 4 Dynham Road, London dated 21 October 2012.
24. E-mail from the occupier, 7 Byron Road, Chelmsford dated 21 October 2012.
25. E-mail from the occupier, 79 Highbury Hill, London dated 21 October 2012.
26. E-mail from the occupier, 51 Kintyre Court, 41 New Park, London dated 22 October 2012.
27. 3 e-mails from the occupier, 12 Ross Rd, Maidenhead, dated 22 October 2012.
28. E-mail from the occupier, 26 Darian Rd, London dated 22 October 2012.
29. E-mail from the occupier, 136 Nuford House, Brown St, London dated 22 October 2012.
30. E-mail from the occupier, 2 St Ann's House, London dated 22 October 2012.
31. E-mail from the occupier, 50A Eynham Rd, London dated 22 October 2012.
32. E-mail from the occupier, Flat 2, 35 Tontine St, Folkestone, dated 22 October 2012.
33. E-mail dated 23 October, unspecified postal address.
34. E-mail from the occupier, 28 Portobello Road, London dated 23 October 2012.
35. E-mail from the occupier, 4 Rectory Road, Sutton dated 23 October 2012.
36. E-mail from the occupier, 5 PailIsler Court, London dated 23 October 2012.
37. E-mail from the occupier, Flat 2, Riverwalk Appts, Homerton Rd, London dated 23 October 2012.
38. E-mail from the occupier, 50 Woodford Court, Shepherds Bush Green, London dated 23 October 2012.
39. E-mail from the occupier, 44 Sandycombe Road, London dated 23 October 2012.
40. E-mail dated 23 October, unspecified address.
41. E-mail dated 23 October, unspecified address.
42. E-mail from the occupier, 19 Scholars Place, Oldfield Rd, London dated 23 October 2012.
43. E-mail from the occupier, 18 Stanlake Rd, London dated 23 October 2012.
44. E-mail from the occupier, 4 Teignmouth Rd, London, dated 23 October 2012.
45. E-mail from the occupier, 67 Kimberley Road, London, dated 24 October 2012.
46. E-mail from the occupier, 48 St Thomas' Rd, Brentwood, dated 24 October 2012.
47. E-mail from the occupier, 207 Waterloo Rd, London, dated 25 October 2012.
48. E-mail from the occupier, 11B Sears Street, London, dated 26 October 2012.
49. E-mail from the occupier, 1 Barlow House, Walmer Rd, London, dated 26 October 2012.
50. E-mail from the occupier, 12 Lintead St, London, dated 26 October 2012.
51. E-mail from the occupier, 28 Tynemouth Road, London, dated 26 October 2012.
52. E-mail from the occupier, 19 Abbots Gardens, London, dated 26 October 2012.
53. E-mail from the occupier, 46 Cressy House, Hannibal Road, London, dated 26 October 2012.
54. E-mail from the occupier, 12C Maries Gate, Oslo, dated 26 October 2012.
55. E-mail from the occupier, 210 Lea Bridge Road, London, dated 26 October 2012.
56. E-mail from the occupier, 1 Sandringham Road, London dated 26 October 2012.
57. E-mail from the occupier, 62A Stockwell Rd, London, dated 26 October 2012.
58. E-mail from the occupier, 82 Whitmore Gardens, London, dated 26 October 2012.
59. E-mail from the occupier, 22 Regents Wharf, Wharf Pl, London, dated 26 October 2012.
60. E-mail from the occupier, 21 Leonard Day House, Athlone St, London, dated 26 October 2012.
61. E-mail from the occupier, 9 Normanton Rd, Surrey, dated 26 October 2012.
62. E-mail from the occupier, Sunbury House, 1 Andrews Rd, London dated 26 October 2012.
63. E-mail from the occupier, 5 Uplands Rd, Glossop, dated 26 October 2012.
64. E-mail from the occupier, 6 Bodley Manor Way, London, dated 26 October 2012.
65. E-mail from the occupier, 29 Dringthorpe Rd, York, dated 27 October 2012.
66. E-mail from the occupier, 23 Clare Gardens, London, dated 28 October 2012.
67. E-mail from the occupier, 8 Fulready Road, London, dated 28 October 2012.
68. E-mail from the occupier, 24 Azania Mews, London, dated 28 October 2012.
69. E-mail from the occupier, 95 Shardenes Rd, London, dated 28 October 2012.
70. E-mail from the occupier, 101 Sheringham Ave, Romford, dated 28 October 2012.
71. E-mail from the occupier, 151 Fairchilde Ave, Croydon, dated 28 October 2012.
72. E-mail from the occupier, 5 Steele Rd, London, dated 28 October 2012.
73. E-mail from the occupier, 46 Broomwood Rd, London, dated 28 October 2012.
74. E-mail from the occupier, 1 Barrington Court, Gospel Oak, London, dated 28 October 2012.
75. E-mail from the occupier, 99 Killearn Rd, Catford, London, dated 28 October 2012.
76. E-mail from the occupier, 42 Park View Rd, London, dated 28 October 2012.
77. E-mail from the occupier, 27 Mansell Road, London, dated 28 October 2012.
78. E-mail from the occupier, 3 Foreland House, Walmer Road, London, dated 28 October 2012.
79. E-mail from the occupier, 10 Capel Crescent, Stanmore, London, dated 28 October 2012.
80. E-mail from the Vince Hines Foundation, dated 28 October 2012.
81. E-mail from the occupier, 20 Abbey Gardens, London, dated 29 October 2012.
82. E-mail from the occupier, 14 River Close, Barking, dated 29 October 2012.
83. E-mail from the occupier, 17 St Johns Ave, London, dated 29 October 2012.
84. E-mail from the occupier, 11 Reedholm Villas, London, dated 29 October 2012.
85. E-mail from the occupier, 7 Collingham Road, London, dated 29 October 2012.
86. E-mail from the occupier, 182 Bingham Road, Croydon, dated 29 October 2012.
87. E-mail from the occupier, 97B Knatchbull Road, London, dated 29 October 2012.
88. E-mail from the occupier, 132 Mildmay Road, London, dated 29 October 2012.
89. E-mail from the occupier, 40 Tremlett Grove, London, dated 29 October 2012.
90. E-mail from the occupier, 36 Marshall Street, London, dated 31 October 2012.
91. E-mail from the occupier, 36 Elizabeth Place, London, dated 3 November 2012.
92. E-mail from the occupier, 27 Peter Avenue, London, dated 5 November 2012.
93. E-mail from the occupier, 90 Phipps House, Australia Rd, London, dated 5 November 2012.
94. E-mail from the occupier,Save the Africa Centre Campaign dated 5 November 2012.
95. E-mail from the occupier, 13 Bankside, Enfield, dated 5 November 2012.
96. E-mail from the occupier, 13B Anerley Grove, London, dated 5 November 2012.
97. E-mail from the occupier, 23 Lynton Road, London, dated 6 November 2012.
98. E-mail from the occupier, 16 Overhill Road, London, dated 6 November 2012.
99. E-mail from the occupier, 8 Scrubs Lane, London, dated 8 November 2012.
100. E-mail from the occupier, unspecified address, dated 20 November 2012.
Letters of Support

101. Letter from the occupier, 99 Dames Road, London E7, dated 3 December 2012.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT LOUISE FRANCIS ON 020 7641 2488 OR BY E-MAIL – lfrancis@westminster.gov.uk
DRAFT DECISION LETTER

Address: 38 King Street, Covent Garden, London, WC2E 8JS

Proposal: Use of the Africa Centre for (Class A1) retail purposes (with ancillary offices at second floor and above), installation of new shopfront; infilling of lightwell; excavation at lower ground floor level, including pavement vaults; replacement lantern light at first floor level.

Plan Nos: Planning Statement (Gerald Eve); historic buildings architect's report (Donald Insall Assoc) dated July 2012; Design and access statement (Paul Davis and Partners) August 2012; marketing report (CBRE) August 2012; 1623(PL)002A; 003A; 004; 005; 006A; 007A; 008; 009A; 010B; 011B; 012A; 013; 014B; 015; 016; 017A; 020B; 021; 022; 023; 024; 025; 026A.

Case Officer: Louise Francis

Recommended Condition(s) and Reason(s):

1. The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

   Reason:
   For the avoidance of doubt and in the interests of proper planning.

2. All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

   Reason:
   To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in CS24 and CS27 of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

3. You must apply to us for approval of detailed drawings showing the following alteration to the scheme.

   Detailed drawings showing a more traditionally designed shopfront in keeping with the eighteenth century character of the front façade.

   You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)
Reason:
To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in CS24 and CS27 of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

4 You must carry out any building work which can be heard at the boundary of the site only:
   * between 08.00 and 18.00 Monday to Friday;
   * between 08.00 and 13.00 on Saturday; and
   * not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:
To protect the environment of neighbouring residents. This is as set out in CS28 and CS31 of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

5 Pre Commencement Condition.
(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to English Heritage, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

(c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:
To protect the archaeological heritage of the City of Westminster as set out in CS24 of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)
1. In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy/Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
DRAFT DECISION LETTER

Address: 38 King Street, Covent Garden, London, WC2E 8JS

Proposal: Installation of new shopfront; infilling of lightwell; excavation at lower ground floor level, including pavement vaults; replacement lantern light at first floor level. Internal alterations.

Plan Nos: Planning Statement (Gerald Eve); historic buildings architect's report (Donald Insall Assoc) dated July 2012; Design and access statement (Paul Davis and Partners) August 2012; 1623(PL)002A; 003A; 004; 005; 006A; 007A; 008; 009A; 010B; 011B; 012A; 013; 014B; 015; 016; 017A; 020B; 021; 022; 023; 024; 025; 026A.

Case Officer: Louise Francis

Direct Tel. No. 020 7641 2488

Recommended Condition(s) and Reason(s):

1. The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason: For the avoidance of doubt and in the interests of proper planning.

2. All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason: To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in CS24 and CS27 of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

3. You must apply to us for approval of detailed drawings/written statement of the following parts of the development - the new lift and the refurbishment of the lantern light. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these details. (C26DB)

Reason: To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in CS24 and CS27 of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

4. You must apply to us for approval of detailed drawings showing the following alteration to the scheme.
Detailed drawings showing a more traditionally designed shopfront in keeping with the eighteenth century character of the front façade.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:
To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in CS24 and CS27 of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, the City of Westminster Core Strategy adopted January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:
CS24 and CS27 of the City of Westminster Core Strategy and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

2 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy/ Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

3 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

* any extra work which is necessary after further assessments of the building's condition;
* stripping out or structural investigations; and
* any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (L59AA)