

**PROPOSED GROUND FLOOR  
1/100**

Figure 1: Approved Ground Floor plan from 2016/5190/P, showing location of approved 4 x cycle spaces

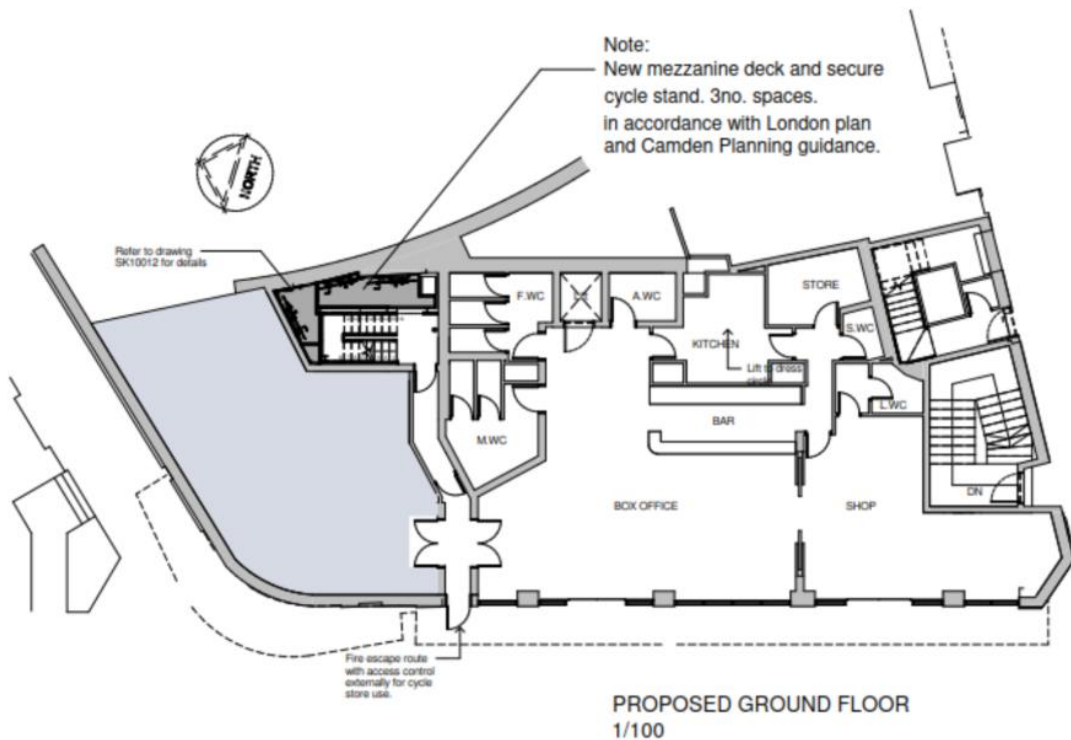


Figure 2: Approved Theatre Ground Floor Plan and proposed new cycle storage location

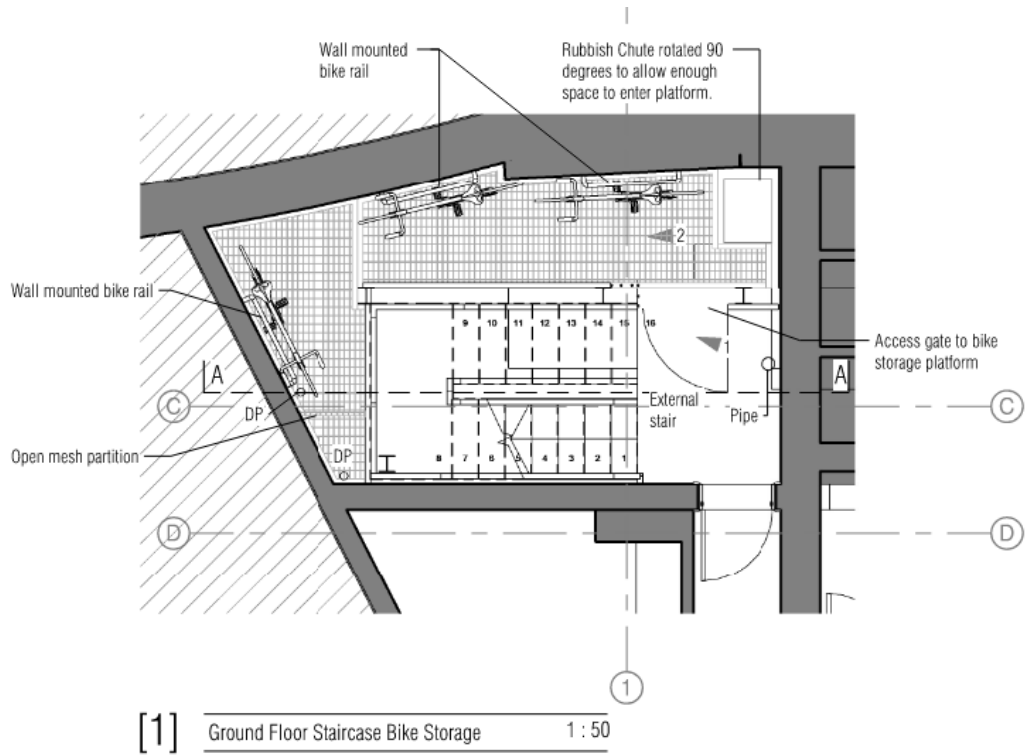


Figure 3: Proposed cycle store for 3 cycles

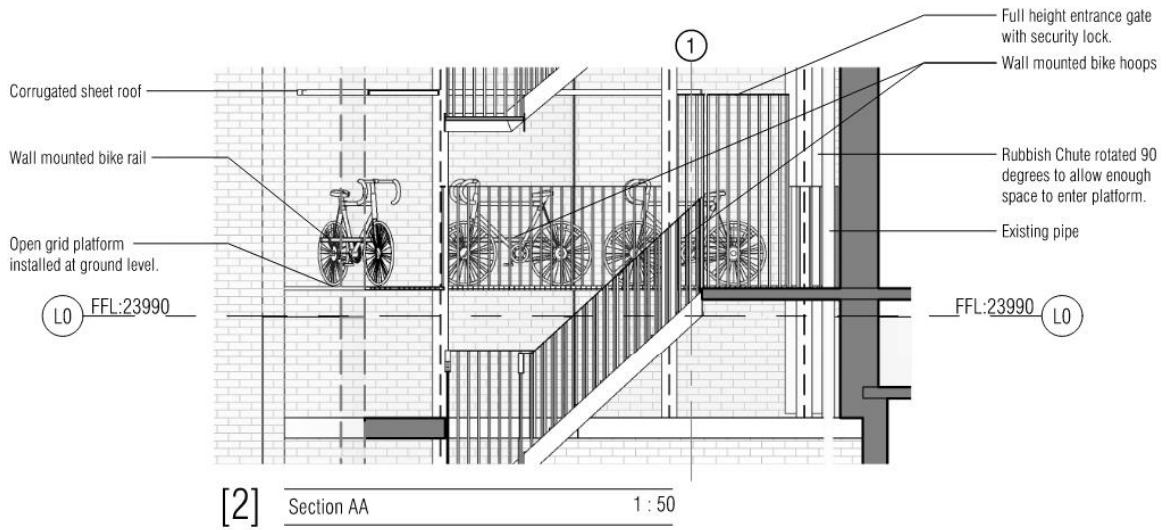


Figure 4: Proposed cycle store for 3 cycles



View 1



View 2

Figure 5: Views of proposed cycle stores

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>02/08/2024</b>	
<b>(Members Briefing)</b>		N/A / attached		<b>Consultation Expiry Date:</b>		<b>07/07/2024</b>	
<b>Officer</b>				<b>Application Number(s)</b>			
Brendan Versluys				2024/2311/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
104-110 Phoenix House Charing Cross Road London WC2H 0JN				<i>See draft decision notice</i>			
<b>PO 3/4</b>		<b>Area Team Signature</b>		<b>C&amp;UD</b>		<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>							
Variation of conditions 2 (approved drawings) and 8 (cycle parking) of planning permission 2016/5190/P granted 30/06/2017 (as later amended by planning permission 2018/0403/P dated 28/02/2018 and 2018/3308/P dated 18/09/2018) for; Erection of 2 storey roof extension with garden room and terrace at rooftop level to provide 2 x 2 bedroom flats, namely to make changes to cycle parking.							
<b>Recommendation:</b>		Grant conditional planning permission subject to a s106 legal agreement					
<b>Application Type:</b>		Variation or Removal of Condition(s)					

<b>Conditions or Reasons for Refusal:</b>	<i>Refer to Draft Decision Notice</i>			
<b>Informatives:</b>				
<b>Consultations</b>				
<b>Summary of consultation:</b>	<p>Site notice(s) were displayed near to the site on 12/06/2024 (consultation end date 06/07/2024).</p> <p>A press notice was advertised 13/06/2024 (consultation end date 07/07/2024).</p>			
<b>Adjoining Occupiers:</b>	No. of responses	<b>3</b>	No. of objections	<b>3</b>
<b>Summary of consultation responses</b>	<p><u>Objections:</u></p> <p>3 objections have been received.</p> <p>A summary of responses are as follows:</p> <ul style="list-style-type: none"> <li>• This application makes no reference to the basement business - a registered 'at risk' community venue - which has use of the fire exit route described from their venue. This area has been prone to criminal activity caused by access via the communal route serving the flats from above and via the insecure street level fire exit. The Phoenix theatre recently issued the CIC venue with a solicitors letter stating that they had no right to use the route for anything other than emergency use or servicing of air conditioning units located in this area (but not referred to in this application). Any other use would be considered an act of 'trespass' by the Phoenix Theatre. It is therefore not an area suitable for public access and the location of same would cause serious risk of compromising the fire exit route. There has been no consultation or notification of this work given to residents or business users. The proposed work aligned with this originally (penthouse flats) has not been acted upon and the building fabric and frame seriously deteriorated since 2018. The community space venue offers its staff a subsidised cycle to work scheme and has to allow staff to store cycles on their premises. Nothing has ever been offered by this landlord to support any cycle schemes previously.</li> <li>• The idea that bikes should be stored near the bottom of the fire escape steps and for our fire escape door to be used to bring bikes in and out of the building is unacceptable.</li> <li>• If access codes for the street-facing side of the fire door on Charing Cross Road are given to residents of Phoenix House, then it is highly likely that residents will start to use this entrance as a shortcut. Has the Phoenix Theatre agreed to this?</li> </ul> <p><u>Officer response:</u></p> <p><i>Private agreements between the applicant and other parties with an ownership interest in the building are not a planning consideration.</i></p> <p><i>A Certificate of lawfulness (existing) was granted (ref. 2020/1174/P, dated</i></p>			

	<p><i>07/05/2020) confirming works described under the original planning permission (2016/5190/P, dated 30/06/2017) have commenced.</i></p> <p><i>The consultation has been carried out in accordance with the Council's statement of community involvement. The Council does not control how the applicant chooses to engage with local stakeholders. Pre-application discussions are confidential, it is at the applicant's discretion whether they choose to engage with local stakeholders at that stage of the development process.</i></p> <p><i>Fire safety effects are assessed in section 4 of this report.</i></p>
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## Site Description

Phoenix House, built circa 1945-50, occupies the majority of the frontage onto Charing Cross Road. It hosts the Phoenix Artists Club in the basement, and a Theatre Bar and Merchandising Lounge on the ground floor with 5 floors of small studio apartments above, facing onto Charing Cross Road.

The approved planning permission (ref. 2016/5190/P, 30/06/2017) and subsequent amendments (ref. 2018/0403/P, 28/02/2018 and ref. 2018/3308/P, 18/09/2018) provides for the upward extension of the building by two floors to facilitate the provision of 2 x apartments. The two new apartments are to be accessed via the existing stairs and lift core accessed from the existing residential entrance to the building off Phoenix Street. In addition to the main access, a secondary proposed access was included within the original planning permission off Charing Cross Road, utilising the existing emergency and service access for the building to provide cycle access.

The adjoining Phoenix Theatre has obtained planning permission (ref. 2022/5537/P, 3/07/2023) for its expansion into the retail units at ground floor level within 104-110 Charing Cross Road. As part of this permission, the theatre has extended the internal accommodation to the rear of the building, to facilitate an accessible lift to the Dress Circle to facilitate those with disability.

Works included:

- Redevelopment of 4 Retail units into a Theatre Bar and 1 Merchandising Lounge
- Infill extension within the light well to rear of building to provide a passenger lift from Ground to Dress Circle, additional washroom facilities for the theatre and additional storage spaces related to the Theatre Bar and Merchandising space.
- Replacement of the existing canopy which incorporates digital signage in the front fascia and sculptural feature to address the south corner.

This infill at ground level, within the light well occupies the originally approved location of the cycle store and hence an alternative bicycle storage solution is required.

Within the lightwell there is a secondary means of escape stair which serves the basement and the apartments above with an escape route at ground floor onto Charing Cross Road referred to above.

The site is located in the Denmark Street Conservation Area and the application building is not identified as making either a positive or negative contribution to the character of the Conservation Area.

## Relevant History

The planning history for the application site can be summarised as follows:

**2016/5190/P** - Erection of 2 storey roof extension with garden room and terrace at rooftop level to provide 2 x 2 bedroom flats. **Granted 30/06/2017**

**2018/0403/P** - Alterations including changes to materials, removal of rear brise soleil, change in orientation of PV panels, realignment of 5th floor south elevation windows and new window to stairwell, replacement of metal screen and balustrade with Kalwall screen, and removal of internal lifts; as non-material amendments to planning permission granted under ref: 2016/5190/P dated 30/06/2017 (erection of 2 storey roof extension with garden room and terrace at rooftop level to provide 2 x 2 bedroom flats). **Granted 28/02/2018**

**2018/3308/P** - Variation of condition 3 (approved drawings) of planning permission ref: 2016/5190/P dated 30/06/2017 (as amended by ref: 2018/0403/P dated 28/02/2018) for the erection of 2 storey roof extension with garden room and terrace at rooftop level to provide 2 x 2 bedroom flats; namely to increase the footprint of the rooftop structure to the rear (east) elevation and revisions to the detailed design of this elevation. **Granted 18/09/2018**



**2020/1174/P** - Commencement of works in accordance with condition 1 (within three years from date of permission) of planning permission 2016/5190/P (Erection of 2 storey roof extension with garden room and terrace at rooftop level to provide 2 x 2 bedroom flats.) **Granted 7/05/2020**

**2022/5537/P** - Change of use of existing commercial units on Charing Cross Road from Class E(a) to ancillary theatre use (sui generis) to provide flexible area for uses including bar, lounge, ticketing and merchandising and associated alterations to shopfronts, infill extension within the rear lightwell to provide a passenger lift with installation of mechanical plant and associated screening at first and second floor levels, additional roof top plant and alterations to the ground floor fenestration including replacement canopy to Charing Cross Road. **Granted 3/07/2023**

**2024/0807/P** - Non-material amendment to planning permission ref: 2016/5190/P dated 30/06/2017 for: "Erection of 2 storey roof extension with garden room and terrace at rooftop level to provide 2 x 2 bedroom flats." namely alterations to the cycle storage. **Withdrawn 07/06/2024**

## **Relevant policies**

### **National Planning Policy Framework (2023)**

### **The London Plan (2021)**

### **Camden Local Plan (2017)**

- **D1** Design
- **D2** Heritage
- **T1** Prioritising walking, cycling and public transport
- **T2** Parking and car free development
- **DM1** Delivery and monitoring

### **Camden Planning Guidance:**

- CPG Amenity (2021)
- CPG Design (2021)
- CPG Transport (2021)

### **Denmark Street Conservation Area Appraisal and Management Strategy (2010)**

### **Draft Camden Local Plan**

The council has published a new [Draft Camden Local Plan](#) (incorporating Site Allocations) for consultation (DCLP). The DCLP is a material consideration and can be taken into account in the determination of planning applications, but has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

## Assessment

### 1. The proposal

The application seeks to make amendments to the consented scheme as part of planning permission 2016/5190/P, dated 30/06/2017 (as later amended by planning permission 2018/0403/P dated 28/02/2018 and 2018/3308/P dated 18/09/2018).

The development description for the consented scheme is as follows:

*Erection of 2 storey roof extension with garden room and terrace at rooftop level to provide 2 x 2 bedroom flats.*

The following changes are proposed:

- Changing the approved cycle storage facility (serving 2 x 2 bedroom flats) comprising 2 x Sheffield stands at the rear of the building within an uncovered mezzanine floor, to 3 x wall-mounted spaces within a new mezzanine level located around the secondary stair-core. There would therefore be a reduction in 1 x cycle parking space.

The applicant proposes for the following conditions to be amended:

- Condition 2 (Approved plans), to amend the approved plans within the planning permission to facilitate the changes to the bicycle storage.
- Condition 8 (Cycle spaces), to amend the wording to require secure cycle parking for only 3 x bicycles, instead of 4 x cycles as required under the condition of the extant permissions.

### 2. Assessment

2.1. The principal considerations material to the determination of this application are as follows:

- Transport
- Fire Safety
- The impacts caused upon the residential amenities of any neighbouring occupier (Residential Amenity)

### 3. Transport

3.1. Policy T1 promotes sustainable transport by prioritising walking, cycling and public transport in the borough. In order to promote cycling in the borough and ensure a safe and accessible environment for cyclists, the Council will seek to ensure that development provides for accessible, secure cycle parking facilities exceeding minimum standards outlined within the London Plan (Table 6.3) and design requirements outlined within CPG Transport (January 2021). Higher levels of provision may also be required in areas well served by cycle route infrastructure, taking into account the size and location of the development.

3.2. The proposed relocated cycle parking arrangement, would provide 3 x spaces at ground level using wall mounted hoops. This arrangement provides one less space required by condition 6 of planning permission 2016/5190/P (which required 4 x spaces).

3.3. Whilst the revised location and solution is in a tighter area that does not meet the exact standards of the London Cycling Design Standards (LCDS), there are some improvements to the revised arrangement compared to the existing approved cycle parking.

3.4. The approved cycle parking shows four x Sheffield type stands within an open area off the existing rear passage way. This arrangement is not secure as the passageway could be

accessed by users of the ground floor retail units as well as any other occupiers of the existing residential upper floors. The revised arrangement would allow for the cycle storage to have dedicated and managed access security so only users of the cycle store will be able to enter the area.

- 3.5. The LCDS recommends that cycle storage is covered so is not exposed to the elements for long-term use. The previous arrangement located the cycle store within an open area to the rear of the building without the provision of a cover. This is rectified within the revised arrangement, with the relocated mezzanine store would have a covered roof that will protect the parked cycles.
- 3.6. Lastly, the originally approved cycle store required navigation around the internal rear corridor including 90 degree turns. The LCDS suggests that this should be avoided as much as possible in the design and location of cycle storage and, accordingly, the layout of this corridor has also been amended to provided an angled arrangement to facilitate navigating the passageway with a bicycle.
- 3.7. Council's Transport Officer has reviewed the proposal and considers the shortfall in one cycle space, to be acceptable as the new cycle storage would provide a better design than the previous approval.
- 3.8. Overall, the proposed changes would retain an appropriate provision of conveniently accessible and secure residential cycle parking at the site. As such, the proposed changes to the cycle parking are acceptable.

#### **4. Fire safety**

- 4.1. London Plan policy D12 Fire Safety requires all development proposals to achieve the highest standards of fire safety and incorporate the necessary measures to ensure the safety of occupants, in particular ensuring developments provide suitable and convenient methods of escape, and associated evacuation strategy for all users. Policy D5 (Inclusive Design) is also relevant in this respect which provides for safe and dignified emergency evacuation for all building users.
- 4.2. The Mayor introduced the London Plan policy to ensure fire safety is addressed at the outset when planning permission is applied for, instead of the issue being first considered at the Building Control stage. The London Plan policy is accompanied by the Fire Safety London Plan Guidance which was issued in draft form for consultation purposes on 11 February 2022. This informs how the mayor will expect developers to address the policy in terms of providing supporting information and also clarifies the planning authority's role in its determination of applications. The guidance states that the onus is on the applicant to demonstrate compliance with D12 and D5 through its use of fire safety professionals and that it is for the planning officer to ensure the information has been provided. The review of the fire safety measures and their compliance against building regulations and standards will still take place at the Building Control stage and shall not be undertaken by planning officers.
- 4.3. The application is accompanied by a "Fire Safety Statement" document outlining the Means of Escape Strategy for the development, and comments on the proposed cycle store design and location. The document confirms that the revised cycle store area, does not impact on the use or width of the existing escape stair or the associated escape route. Sufficient space is available for the storage and removal of three cycles.
- 4.4. In view of the above it is therefore considered that the proposals comply with London Plan policies D12 and D5.

## **5. Recommendation**

5.1. Grant conditional planning permission subject to a s106 legal agreement.

*The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 29<sup>th</sup> July 2024, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.*

Application ref: 2024/2311/P  
Contact: Brendan Versluys  
Tel: 020 7974 1196  
Date: 22 July 2024

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

Phone: 020 7974 4444

[planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

Arkon Associates Ltd  
Luminous House  
300 South Row  
Milton Keynes  
MK9 2FR

Dear Sir/Madam

**DRAFT**  
**FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION**  
Town and Country Planning Act 1990 (as amended)

**DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT**

Address:

**Phoenix House**  
**104-110 Charing Cross Road**  
**London**  
**WC2H 0JN**

Proposal:

**DECISION**  
Variation of conditions 2 (approved drawings) and 8 (cycle parking) of planning permission 2016/5190/P granted 30/06/2017 (as later amended by planning permission 2018/0403/P dated 28/02/2018 and 2018/3308/P dated 18/09/2018) for; Erection of 2 storey roof extension with garden room and terrace at rooftop level to provide 2 x 2 bedroom flats, namely to make changes to cycle parking.

Drawing Nos: Superseded Plans: (P)003, rev C;

Proposed Plans: (P) 003, rev G; SK10012, rev C;

Supporting information: Cover letter prepared by WSP, 6/06/2024; Fire Statement prepared by Arkon Associates, 12/07/2024

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of the original permission (ref: 2016/5190/P) granted on 30/06/2017.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: (P)001; (P)002; (P)003 revision G; (P)004 revision D; (P)005 revision D; (P)006 revision D; (P)007 revision D; (P)008 revision D; SK10012, revision C .

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

- 4 Before the relevant part of the work is begun, detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:

a) Details including sections at 1:10 of all windows (including jambs, head and cill), ventilation grills, external doors and gates;

b) Plan, elevation and section drawings, including fascia, cornice, pilasters and glazing panels of the new shopfronts at a scale of 1:10.

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 5 All non-Road mobile Machinery (any mobile machine, item of transportable industrial equipment, or vehicle - with or without bodywork) of net power between 37kW and 560kW used on the site for the entirety of the [demolition and/construction] phase of the development hereby approved shall be required to meet Stage IIIB of EU Directive 97/68/EC. The site shall be registered on the NRMM register for the [demolition and/construction] phase of the development.

Reason: To safeguard the amenities of the adjoining occupiers, the area generally and contribution of developments to the air quality of the borough in accordance with the requirements of policies G1, A1, CC1 and CC4 of the London Borough of Camden Local Plan 2017.

- 6 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, satellite dishes or rooftop 'mansafe' rails shall be fixed or installed on the external face of the buildings.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 7 Samples and manufacturers details of all new facing materials including, but not limited to:

a) a sample panel of the facing brickwork of no less than 1.5m by 1.5m demonstrating the proposed colour, texture, face-bond and pointing.

b) a sample panel of the proposed render demonstrating the proposed colour and texture.

shall be provided on site and approved in writing by the local planning authority before the relevant parts of the works are commenced and the development shall be carried out in accordance with the approval given. The approved panel shall be retained on site until the work has been completed.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 8 Secure cycle parking for 3 x bicycles shall be provided in its entirety as shown on approved drawing numbered (P) 003, rev G prior to the first occupation of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

- 9 Detailed drawings and manufacturers details in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

Plan, elevation and section drawings of cycle access door on Charing Cross Road elevation at a scale of 1:10 including closing method and secure access system.

The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure the development provides adequate cycle parking facilities and equal access in accordance with the requirements of policy policies T1 and C6 of the London Borough of Camden Local Plan 2017.

- 10 Prior to first occupation of the new dwellings, the photovoltaic cells shown on approved drawing no. (P)004 rev.D, shall be installed and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of policy CC1 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at [www.camden.gov.uk/cil](http://www.camden.gov.uk/cil) for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.
- 4 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.



- 5 The correct street number or number and name must be displayed permanently on the premises in accordance with regulations made under Section 12 of the London Building (Amendments) Act 1939.
- 6 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.
- 7 The new brickwork, pointing and mortar shall exactly match the existing adjoining original brickwork in terms of detailed design and finished appearance.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

Yours faithfully

Supporting Communities Directorate