

Application ref: 2024/5449/P
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Development Management
Regeneration and Planning
London Borough of Camden
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Gilmore Hankey Kirke Ltd
5 Port House
Square Rigger Row
Plantation Wharf
London
SW11 3TY

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
8 South Square
London
WC1R 5ET

Proposal:

Excavation within existing vaults to form underground plant room adjacent front lightwell to south-west of Bencher's Entrance (renewal of expired consent 2019/6319/P).

Drawing Nos: 01.047 Rev F, 01.048 Rev F, MSK10-2, T/375, T/376, Site Location Plan, Design and Access Statement (dated 05/12/2024), Arboricultural Impact Assessment prepared by Gifford Tree Service (dated 13/02/2020), Environmental Noise Survey and Plant Noise Assessment Report (dated 06/02/2020), Desk study & basement impact assessment report issue no.2 dated November 2020, Thermal Comfort Assessment (dated 28/11/2024)

The Council has considered your application and decided to grant permission subject to the following condition(s):

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 this permission.

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

01.047 Rev F, 01.048 Rev F, MSK10-2, T/375, T/376, Site Location Plan, Design and Access Statement (dated 05/12/2024), Arboricultural Impact Assessment prepared by Gifford Tree Service (dated 13/02/2020), Environmental Noise Survey and Plant Noise Assessment Report (dated 06/02/2020), Desk study & basement impact assessment report issue no.2 dated November 2020, Thermal Comfort Assessment (dated 28/11/2024).

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

- 3 The development hereby approved shall be carried out strictly in accordance with the methodologies and recommendations of the Basement Impact Assessment (Desk study & basement impact assessment report issue no.2 dated November 2020) and other supporting documents hereby approved.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policy A5 of the London Borough of Camden Local Plan 2017.

- 4 Prior to the commencement of works on site, tree protection measures shall be installed and working practices adopted in accordance with the document entitled "Arboricultural Impact Assessment/Statement and Tree Protection Plan - Proposal Redevelopment of Existing Vaults, South Square, Grays Inn, Holborn." undated, by Gifford Tree Service. All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with BS5837:2012 and with the approved protection details. The development shall be monitored by the project arboriculturalist in accordance with the approved report.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 of the Camden Local Plan.

- 5 The external noise level emitted from plant, machinery or equipment with specified noise mitigation at the development hereby approved shall be lower than the lowest existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity

Reason: To safeguard the amenities of neighbouring noise sensitive receptors in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 6 Prior to first use, plant shall be provided with acoustic isolation, and anti-

vibration measures. All such measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations.

Reason: To prevent the transmission of noise and vibration throughout the building and or into any neighbouring premises, thus safeguarding the amenities of the adjoining premises and surrounding area in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 7 Prior to first use of the air source heat pumps hereby approved, the active cooling function shall be restricted for use in the North library as this achieves a PASS in the dynamic thermal modelling (DSY2). The air source heat pumps shall be used for the purposes of heating only in the North library.

Reason: To ensure the proposal is energy efficient and sustainable in accordance with policy CC1 and CC2 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission:

This planning application is a resubmission of a previously approved and now expired application for identical works (approved on 11th February 2021 under reference 2019/6319/P). Since the previous application was granted, there have been no new relevant plans adopted that would affect its acceptability.

The proposed works would be entirely subterranean in nature and would not form a visually obtrusive feature. As such, the character and appearance of conservation area would remain preserved.

The submitted Basement Impact Assessment (BIA) has been independently reviewed by Campbell Reith engineering consultants who confirm the proposal would be in accordance with CPG guidelines. Compliance with the submitted BIA is secured by way of a condition.

It is not considered there would be any significant detrimental impact to residential amenity. The works would be subterranean in nature and as such would not cause harm to light or outlook. The submitted noise impact assessment has been reviewed by the Council's environmental health team who confirm that the proposal would be acceptable subject to conditions restricting noise emission levels and ensuring anti-vibration measures are installed.

The submitted arboricultural impact assessment has been reviewed by the Council's tree officer who confirmed that the proposal is acceptable subject to a condition ensuring tree protection measures are installed and working practices adopted in accordance with the submitted information.

The submitted thermal comfort assessment has been reviewed by the Council's sustainability officer who confirmed that as the plant will serve a listed

building and involve retrofitting measures and measures of the cooling hierarchy are to be implemented where possible, active cooling is justified.

As the North library achieves a PASS in the dynamic thermal modelling (DSY2), planning permission for active cooling will not be given to this room. A condition has been included to restrict the active cooling function in the North Library and restrict the use of the units for heating only. This will ensure that the proposal is energy efficient and sustainable in accordance with policies CC1 and CC2.

The works would be located in a private square where construction vehicles would be able to load and unload without causing disruption to traffic or damage to the public highway. As such it is not considered that there would be any significant transport impact.

No objections were received following statutory consultation. The sites planning history and relevant appeal decisions were taken into account when coming to this decision.

The proposal is considered to preserve the character and appearance of the conservation area and the special interest of the nearby listed buildings. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area and listed buildings.

As such, the proposal is in general accordance with Policies D1, D2, A1, A3, A4, A5, CC1 and CC2 of the Camden Local Plan (2017). The proposed development also accords with the policies of the London Plan (2021), and the National Planning Policy Framework (2024).

- 2 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).
- 3 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 4 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

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 must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 5 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The local planning authority (LPA) that would approve any Biodiversity Gain Plan (BGP) (if required) is London Borough of Camden.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are summarised below.

Based on the information available this permission will not require the approval of a BGP before development is begun because it is below the de minimis threshold.

Summary of statutory exemptions for biodiversity gain condition:

1. The planning application was made before 12 February 2024.
2. The planning permission is retrospective.
3. The planning permission was granted under section 73 of the Town and Country Planning Act 1990 and the original (parent) planning permission was made or granted before 12 February 2024.
4. The permission is exempt because:
 - It is not "major development" and the application was made or granted before 2 April 2024, or planning permission is granted under section 73 and the original (parent) permission was made or granted before 2 April 2024.
 - It is below the de minimis threshold (because it does not impact an onsite priority habitat AND impacts less than 25 square metres of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat).
 - The application is a Householder Application.
 - It is for development of a "Biodiversity Gain Site".
 - It is Self and Custom Build Development (for no more than 9 dwellings on a site no larger than 0.5 hectares and consists exclusively of dwellings which are Self-Build or Custom Housebuilding).
 - It forms part of, or is ancillary to, the high-speed railway transport network (High Speed 2).

6 Irreplaceable habitat:

If the onsite habitat includes Irreplaceable Habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements. In addition to information about minimising adverse impacts on the habitat, the BGP must include information on compensation for any impact on the biodiversity of the irreplaceable habitat. The LPA can only approve a BGP if satisfied that the impact on the irreplaceable habitat is minimised and appropriate arrangements have been made for compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73(2D) of the Town and Country Planning Act 1990:

If planning permission is granted under section 73, and a BGP was approved in relation to the previous planning permission ("the earlier BGP"), the earlier BGP may be regarded as approved for the purpose of discharging the biodiversity gain condition on this permission. It will be regarded as approved if the conditions attached (and so the permission granted) do not affect the post-development value of the onsite habitat, or any arrangements made to compensate irreplaceable habitat, as specified in the earlier BGP.

Phased development:

In the case of phased development, the BGP will be required to be submitted to and approved by the LPA before development can begin (the overall plan), and before each phase of development can begin (phase plans). The modifications in respect of the biodiversity gain condition in phased development are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with the National Planning Policy Framework. The council publishes its adopted policies online, along with detailed Camden Planning Guidance. It also provides advice on the website for submitting applications and offers a pre-application advice service.

You can find advice about your rights of appeal at:

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

If you submit an appeal against this decision you are now eligible to use the new [submission form](#) (Before you start - Appeal a planning decision - GOV.UK).

Yours faithfully



Daniel Pope
Chief Planning Officer