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Jonathan McClue  
Development Control Planning Services  
London Borough of Camden  
Town Hall  
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London  
WC1H 8ND

13<sup>th</sup> October 2016

BY PLANNING PORTAL

Dear Jonathan,

**ST GILES CIRCUS SITE INCLUDING: SITE OF 138-148 (EVEN) CHARING CROSS ROAD, 4, 6, 7, 9, 10, 20-28 (INC) DENMARK STREET, 1-6 (INC) DENMARK PLACE 52-59 (INC) ST GILES HIGH STREET, 4 FLITCROFT STREET AND 1 BOOK MEWS LONDON WC2**

**SECTION 73 APPLICATION TO VARY CONDITIONS 33 AND 34 OF PLANNING PERMISSION 2012/6858/P**

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On behalf of Consolidated Developments Ltd please find enclosed an application to vary conditions 33 and 34 of planning permission 2012/6858/P which grants permission for the redevelopment of St Giles Circus.

In support of this application please find enclosed the following:

- Decision Letter for planning application reference 2012/6858/P;
- Planning Application fee of £195.

### **Background to the Application**

Planning permission was granted on the 31<sup>st</sup> March 2015 for the following development:

*'Erection of three buildings (5 and 7 storey buildings facing Centre Point Tower and a 4 storey building on Denmark Place), following the demolition of 1-6, 17-21 Denmark Place and York and Clifton Mansions with retained facades at 1-3 Denmark Place and York and Clifton Mansions to provide 2895sqm of basement Event Gallery space to be used for community events, exhibitions, product launches, live music (including recorded music), awards ceremonies, conferences and fashion shows (Sui Generis); a 678sqm urban gallery with 1912sqm of internal LED screens to be used for circulation space, retail, advertising, exhibitions, brand and product launches, corporate events, screenings, exhibitions and events (including recorded music),(Sui Generis); 884sqm of flexible retails and restaurant floorspace (Class A1/A3); 2404sqm of restaurant floorspace (Class A3); 385sqm of drinking*

*establishment (Class A4) and a 14 bedroom hotel (Class C1) between Denmark Place and Andrew Borde Street. Change of use of 4, 6, 7, 9, 10, 20-28 Denmark Street, 4 Flitcroft Street and 1 Book Mews to provide 4,308sqm of office floor space (Class B1a); 2,959sqm of private residential floor space (Class C3); 239sqm of affordable housing (Class C3) and 2540sqm of retail floor space (Class A1). Provision of a new pedestrian route from Andrew Borde Street to Denmark Street at ground floor level and associated partial demolition at 21 Denmark Street (all GEA).*

This planning permission has since been implemented.

### **S73 Application – Proposed Extension of Hours**

St Giles Circus is a strategically important site, lying as it does at the heart of some of London's most popular visitor attractions, including Tottenham Court Road, Bloomsbury and the British Museum to the north, Holborn to the east, Covent Garden, Shaftesbury Avenue and London's Theatreland to the south east and south, and Soho and Oxford Street to the west.

With the advent of Crossrail and other significant developments in the area the importance of St Giles Circus is further increasing, making this a key gateway site for this area of Central London. Denmark Street itself is known as 'Tin Pan Alley' and is renowned as an important centre of the UK popular music industry. Over the years it has attracted specialist retailers, first in music publishing and more recently in the sale and repair of pop music instruments and this is something that is protected through the implemented permission and supported by the introduction of the Urban Gallery and Event Gallery which will ensure the ongoing success of this area as a hub for music businesses.

The implemented development provides a mix of Central London uses, including restaurant, bar and basement events space, in addition to retail, hotel, residential and office floorspace. It is therefore relevant that the site sits within the Seven Dials Special Policy Area and is covered by 'Planning Guidance for Central London - Food, Drink and Entertainment, Specialist and Retail Uses'. Adopted policies CS9 and DP12 are also relevant in directing the development of town centre uses so that they do not cause harm to the character, function, vitality and viability of an area.

The approved uses have been located across the development site in recognition of this overarching policy context, with the proposed A4 floorspace being sandwiched between the A3 uses within the smaller of the new buildings in order to allow maximum management of the uses. The proposed restaurant uses are similarly located to allow control over access and egress. The entrance to the Event Gallery is from within the development site, allowing the careful control of people movements into and out of the space, with further control being added by a site-specific Venue Management Plan (VMP) and event-specific Event Management Plans (EMPs).

At the time of the original application the client agreed to operate the food, drink and entertainment uses within Camden's Framework Hours in order to pre-empt any concerns relating to the possibility of harm to residential amenity. As such two planning conditions (Conditions 33 and 34) were attached to the decision notice with the express purpose of controlling the hours of operation of the approved A1, A3 and A4 uses (Condition 33) and the approved Sui Generis uses (Condition 34).

Condition 33 is currently worded as follows:

- 33      *None of the A1, A3 or A4 uses hereby permitted shall occur outside of the following times: 08:00 to 23:30 Monday to Saturday and 11:00 until 22.30 Sundays and no customers shall be permitted within these premises outside of the approved hours of use.*

Condition 34 is currently worded as follows:

- 34 *None of Sui Generis uses (the urban gallery and basement venue) hereby permitted shall occur outside of the following times: 09:00-23:30 Monday to Wednesday, 09:00 – midnight Thursday, Friday and Saturday; and 09:00 – 22:30 Sunday, and no customers shall be permitted within these premises outside of the approved hours of use.*

Since the granting of planning permission a detailed Licensing Policy submission has been made to Camden's Licensing committee on the basis that the implemented development creates the 'exceptional circumstances' to justify a departure from the framework hours of the Seven Dials Special Policy Area. The case was made on the following basis:

1. Ten licensed premises with trading hours totalling 957.5 are to be subsumed and replaced by six premises with weekly trading hours totalling 607 (excluding notable days and additional hours for the Event Gallery), representing a reduction of 36.6%;
2. Many of the licences lost had few restrictions upon trading. They included a nightclub with substantial trading hours; an off-licence; five full licenses; two restaurant licences and one late night refreshment house.
3. The development is considered to have a positive impact upon the promotion of the licensing objectives through the provision of well managed and well controlled music venues operated in a manner which will minimise disturbance to local residents; improved safety; controlled LUX levels, central security and servicing controls. In addition the development will have a number of positive impacts in terms of the style of the premises proposed; the attractiveness of those premises to a wider audience; the hours of operation and the restrictions proposed. The location has traditionally been an area suffering from high levels of crime and disorder and as such, the future management of this space can only be seen as a positive.

It is in this context that Camden's Licensing committee have approved the following hours for the sale of alcohol across the site:

- A1, A3 and A4 - Monday to Sunday 10:00 to 01: 00.
- Sui Generis Uses - Monday to Thursday 10.00 to 23.30 hrs; Friday and Saturday 10:00 to 00:00 hrs; Sunday 11:00 to 22:30; and to 02.00 on 104 occasions per year.

This application is submitted to ensure the controls granted under planning reflect the controls since granted under licensing. As such this application proposes the variation of conditions 33 and 34 to reflect the approved alcohol licenses, whilst also facilitating wider commercial activities which do not rely on the sale of alcohol.

### **Proposed Variation – Condition 33**

It is proposed to vary the wording of Condition 33 to read as follows:

- 33 *None of the A1, A3 or A4 uses hereby permitted shall occur outside of 08:00 to 01:00 Monday to Sunday. No members of the public shall be permitted within the premises 30 minutes after the latest time for the provision of licensable activities.*

### **Proposed Variation – Condition 34**

It is proposed to vary the wording of Condition 34 to read as follows:

- 34      *None of Sui Generis uses (the urban gallery and basement venue) hereby permitted shall occur outside of the following times: 09:00-23:30 Monday to Thursday, 09:00 – midnight Friday and Saturday; and 09:00 – 22:30 Sunday. On a 104 occasions per year the Sui Generis uses may operate within the following times: 09:00 – 02:00. No members of the public shall be permitted within the premises 30 minutes after the latest time for the provision of licensable activities.*

I trust the enclosed is sufficient for your purposes and I look forward to receiving confirmation that the application has been validated. In the meantime please do not hesitate to contact me at this office if I can assist in any way.

Yours sincerely,



Anna Snow  
DIRECTOR