

Application ref: 2018/0049/P
Contact: Jonathan McClue
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Iceni Projects
114-116 Charing Cross Road
London
WC2H 0JR

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
7 Denmark Street
London
WC2H 8LZ

Proposal:

Partial demolition of single storey rear elements; additional storey to the rear workshop building to create an eating area for the existing bar (A4) use; basement extension to provide additional office (B1a) space and new residential bicycle storage (22 spaces) and associated works.

Drawing Nos: (1401_7D) - (PL-EX/PL)00; (PL-EX)00-01, 03, 10-12, 14; (PL)00-01, 03, 10-12, 14. Design and Access Statement dated October 2017, Basement Impact Assessment Rev 01 dated 08/12/2017, Combined lateral and horizontal movements dated 14/06/2018 and 02/10/2018 and Drained total movement.

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 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 policy 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 (1401_7D) - (PL-EX/PL)00; (PL-EX)00-01, 03, 10-12, 14; (PL)00-01, 03, 10-12, 14. Design and Access Statement dated October 2017, Basement Impact Assessment Rev 01 dated 08/12/2017, Combined lateral and horizontal movements dated 14/06/2018 and 02/10/2018 and Drained total movement.

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

- 4 Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the 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 CC1, CC2 and CC4 of the Camden Local Plan 2017.

- 6 The double glazed windows to the first floor of the rear workshop building, as annotated in drawing no. (1401_7D(PL))02 and 12, shall be permanently obscure glazed and fixed shut up to a height of 1.7m above the floor of the room in which the windows are installed before occupation of the extensions hereby permitted and shall be permanently retained and maintained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy A1 of the Camden

Local Plan 2017.

- 7 The additional bar (A4) floorspace approved shall be used as an ancillary eating area for the existing bar only and for no other purpose. The eating area should not be used as a separate or independent use in the approved use class or any other.

Reason: To ensure that the future occupation of the building does not adversely affect the adjoining premises and immediate area by reason of noise and general disturbance in accordance with policies A1 and A4 of the Camden Local Plan 2017.

- 8 The additional bar (A4) use hereby permitted shall not 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.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the Camden Local Plan 2017.

- 9 The courtyard area shall not be used by customers of the premises at any time and the rear door to the main building, labelled as 'means of escape' on drawing no. 1401_7D(PL)01, and the rear door to the rear workshop building labelled as 'access to Book Mews' on drawing no. 1401_7D(PL)01, shall be used by members of staff only except in emergencies.

Reason: To ensure that the future occupation of the building does not adversely affect the adjoining premises and immediate area by reason of noise and general disturbance in accordance with policies A1 and A4 of the Camden Local Plan 2017.

- 10 At least 28 days before development commences:

(a) a written programme of ground investigation for the presence of soil and groundwater contamination and landfill gas shall be submitted to and approved by the local planning authority in writing; and

(b) following the approval detailed in paragraph (a), an investigation shall be carried out in accordance with the approved programme and the results and a written scheme of remediation measures [if necessary] shall be submitted to and approved by the local planning authority in writing.

The remediation measures shall be implemented strictly in accordance with the approved scheme and a written report detailing the remediation shall be submitted to and approved by the local planning authority in writing prior to occupation.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site in accordance with policy A1 of the Camden Local Plan 2017.

11 No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason: Important archaeological remains may exist on this site. Accordingly the Council wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development in accordance with the requirements of policy D2 of the Camden Local Plan 2017.

12 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

Informative(s):

1 Reasons for granting approval.

The application site includes the main building, its rear yard and outbuilding/workshop. The site is listed grade II* and lies within the Denmark Street Conservation Area (CA). It forms part of the wider St. Giles Circus site (in Zone 3 - area south of Denmark Street) which includes properties on Charing Cross Road, Denmark Street, Denmark Place, St. Giles High Street, Flitcroft Street and Books Mews. Works to the property and changes to its use have been approved under 2012/6858/P and 2012/6865/L (both dated 31/05/2018). The basement has been consented as office (B1a) space, the ground floor as a bar (A4) and the upper floors as residential units (C3).

Planning permission and listed building consent (refs. 2016/0088/P and 2016/0143/L, both withdrawn 07/12/2016) for a similar development gained a resolution to grant subject to S106 following Planning Committee on 02/06/2017. It is noted that this application required referral to Committee as it needed a Basement Construction Plan (BCP). The current application does not require a legal agreement. Planning permission and listed building consent was later granted under 2017/3142/P and 2017/3191/L (both dated 17/07/2017) for a similar development as being proposed here without the basement proposals. The development has therefore been deemed acceptable by the Council, both in its proposed form and without the basement proposal.

The proposed development does not result in any changes of use approved under 2012/6858/P dated 31/05/2018. 19sq.m of ancillary office space would be provided in the basement, the floor area through demolition of ground floor elements and a new first floor extension would be similar for the pub (A4) use and the ancillary cycle store would serve the residential units as part of the wider development. Overall, the existing uses on-site would be enhanced by the proposal.

The yard space to the rear of 7 Denmark Street has been encroached upon with poor quality infill elements over time, eroding the sense of separation between the historic townhouse building and the mews building within the yard. Due to the age, quality and appearance of the modern additions, there is no objection to their removal as they are not of any historical or architectural significance. The removal of the modern single storey elements would also result in a physical and visual break between the main building and the rear workshop building, which would re-establish the hierarchy and distinction of the buildings. The demolition of these elements would therefore restore a sense of openness to the rear yard and better reveal the significance of the listed structures. The basement would extend behind the main house through the creation of a small opening behind the lightwell. The remainder of the perimeter walls would be retained and the depth and width of this part of the extension would remain subservient in plan form. This preserves the hierarch and legibility of the main house. The rear workshop structure has suffered unsympathetic alterations and the proposals to better reveal it and works to repair and consolidate fabric are welcomed. A metal access staircase would provide access to the upper floors. It is considered that this structure would maintain the semi-industrial character of this rear part of the site. At first floor level, an additional story would be constructed of timber and glass so it is clearly differentiated between the semi-industrial character of the brick lower storey and the high quality modern intervention above. The additional floor would maintain a modest height in relation to the adjacent outbuilding at 6 Denmark Street and the other surrounding buildings. On balance, it is considered that the proposals would have a positive impact on the designated heritage assets, enhance the setting of the listed buildings and the character and appearance of the CA.

The basement proposals are supported by a Basement Impact Assessment (BIA) carried out by Engenuiti Ltd. The authors' qualifications follow the CPG requirements. A Ground Investigation and Ground Movement Report has been presented by GEA as a BIA queries response. The BIA was independently audited by Campbell Reith. Following a series of requests for

further information, they provided their final report in October 2018. Campbell Reith confirmed that the BIA and supplementary information demonstrate that the scheme complies with the requirements of CPG: Basements.

The proposed development would result in the enlargement of the existing courtyard and the conversion of an ancillary eating area in place of storage. Officers do not consider that the additional eating area would result in a materially greater level of noise or general disturbance and conditions would be put in place to prevent the use of courtyard, which can currently be used by customers. The first floor extension to the rear workshop building would be obscurely glazed to prevent overlooking with adjacent buildings. The extension would be setback behind the wall of the adjacent outbuilding at 6 Denmark Street so that it would not impact on the rear windows of that building. To the rear the extension would sit behind an existing high brick boundary wall so that it would not be visible from within the mews. No residential properties are located within the other surrounding properties. Due to the setback of the proposal from nearby residential windows (at 6 and 7 Denmark Street) and the nature of those windows, it is considered that it would not result in a significant impact in terms of loss of light or outlook for prospective occupiers of the respective units.

The proposal includes a new cycle store within the basement of 7 Denmark Street to be accessed from Book Mews only. The proposed cycle store would be within a secure lockable enclosure, provide 22 spaces and be in accordance with the design requirements for two-tier Josta Stands in CPG7 (Transport). Access would be provided via a 1200mm wide stair with an integral cycle wheel ramp installed to allow for ease of access. The door into the proposed store would be lockable and automated to improve usability. Overall, the proposed cycle storage is considered to be a significant improvement over the original consented (under 2012/6858/P) proposal by providing a greater number of spaces within a weatherproof and secure enclosure. On balance, the proposed cycle parking is considered to be acceptable.

In considering the proposals, special regard has been given to the desirability of preserving the listed buildings and their setting, and their features of special architectural or historic interest, under s. 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013. Special attention has also been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the aforementioned statute as amended.

The site's planning history and relevant appeal decisions were taken into account when coming to this decision. A number of third party comments have been received in relation to this application. These have been duly considered in the decision making process and summarised as part of a consultation summary uploaded to the Council's website.

As such, the proposed details are in general accordance with policies C3 (Cultural and leisure facilities); C5 (Safety and security); E3 (Tourism); A1 (Managing the impact of development); A4 (Noise and vibration); D1 (Design);

D2 (Heritage); TC2 (Camden's centres and other shopping areas); TC4 (Town centres uses); T1 (Prioritising walking, cycling and public transport); T2 (Parking and car-free development) of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2016 and NPPF 2018.

- 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 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.
- 4 You are advised that this proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL as the additional floorspace exceeds 100sqm GIA or one unit of residential accommodation.

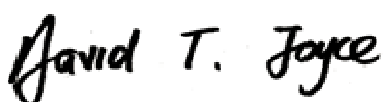
The liable amount will be calculated on the receipt of the CIL Additional Information Requirement Form or other changes in circumstances. Both CIL's will be collected by Camden after the scheme has started and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement and/or for late payment. We will issue a formal liability notice once the liable party has been established. CIL payments will also be subject to indexation in line with the construction costs index.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully



David Joyce
Director of Regeneration and Planning