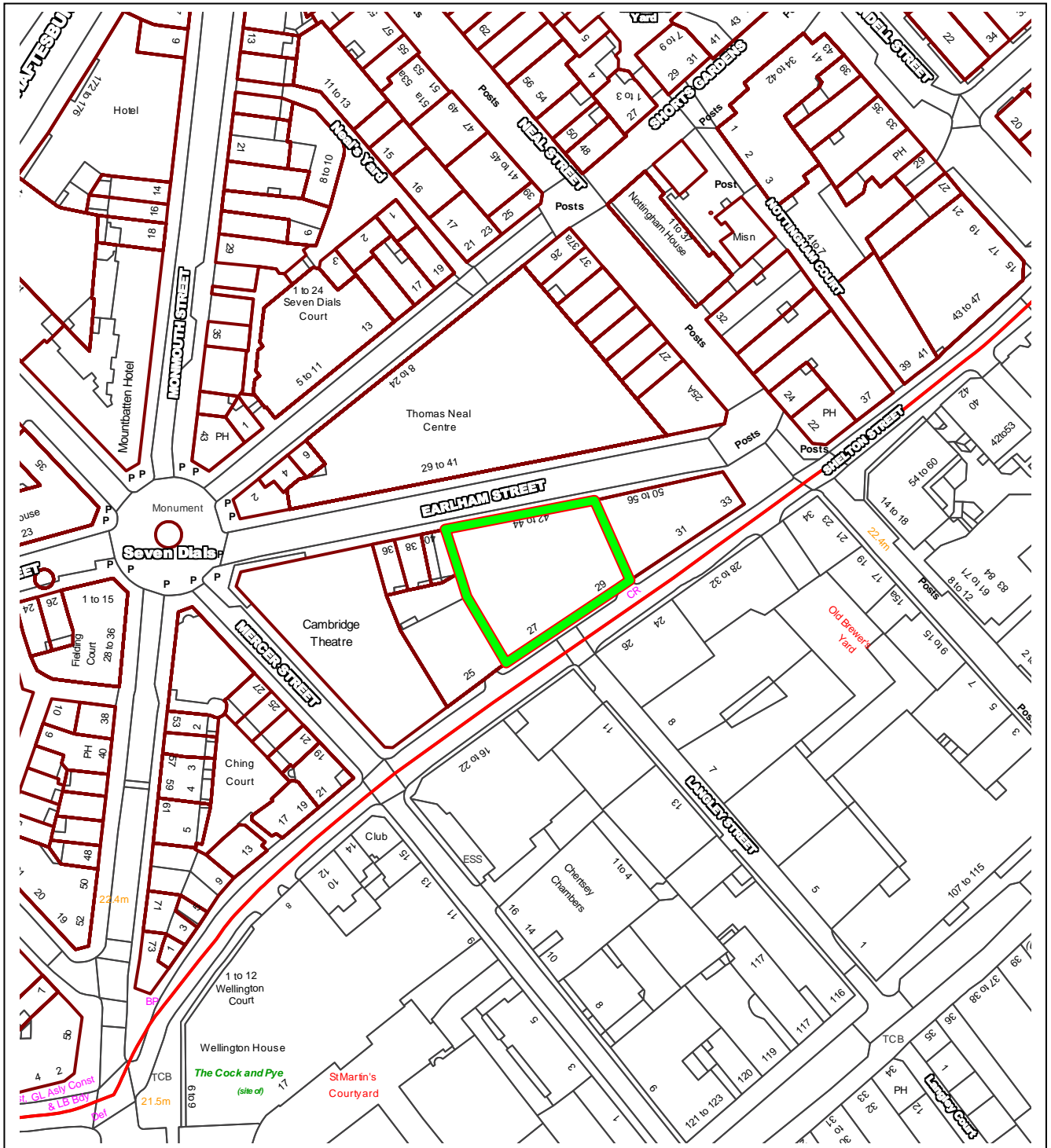


Seven Dials Warehouse, 42 Earlham Street ref: 2017/5591/P



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.



Photo 1: View east from the roof terrace



Photo 2: View south from the roof terrace



Photo 3: View east, showing the properties on the other side of Shelton Street (in Westminster)



Photo 4: Roof terrace area



Photo 5: View west, showing properties on the other side of Earlham Street

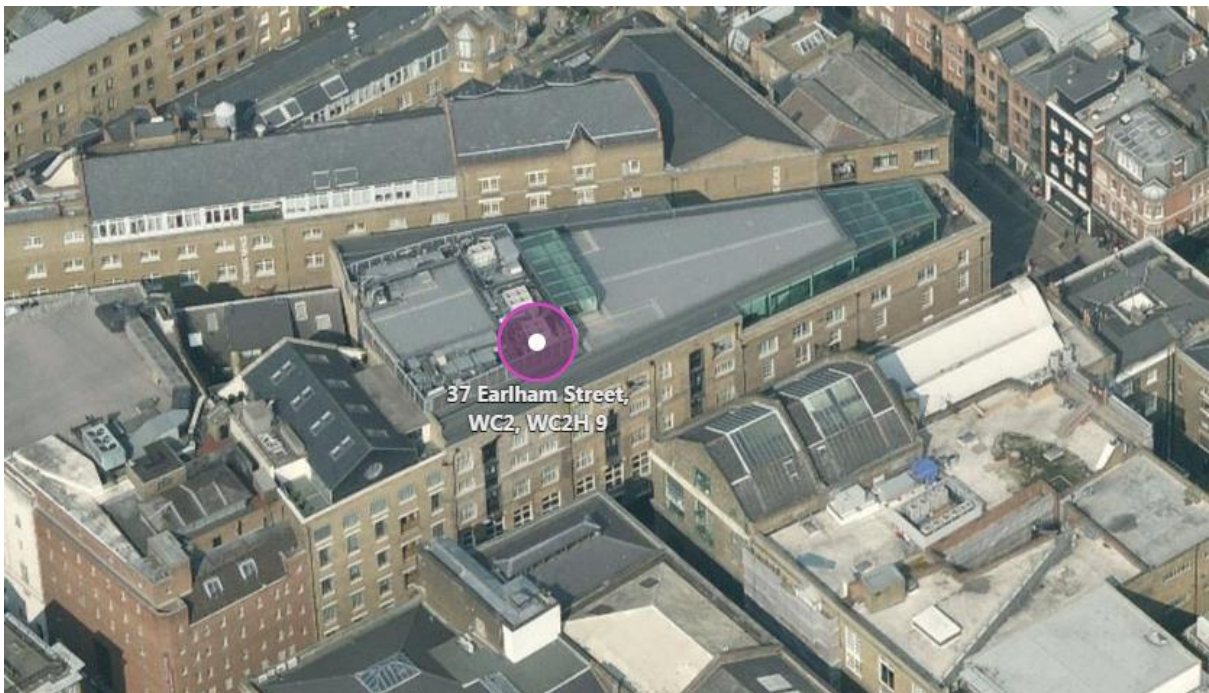


Photo 6: Aerial view of roof terrace

Delegated Report		Analysis sheet		Expiry Date:		04/12/2017	
(Members Briefing)		N/A / attached		Consultation Expiry Date:		16/11/2017	
Officer				Application Number(s)			
Laura Hazelton				2017/5591/P			
Application Address				Drawing Numbers			
Seven Dials Warehouse 42 Earlham Street London WC2H 9LA				Please refer to draft decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Variation of condition 4 (roof terrace hours of use) of planning permission granted on 21/12/2016 (ref:2016/5939/P), as amended by application ref: 2017/1723/P granted on 20/06/2017, for the creation of terrace at roof level, alterations to ground floor façade and fenestration, and replacement of rooftop plant.							
Recommendation:		Grant conditional planning permission					
Application Type:		Variation of condition application					

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:			No. of responses	00	No. of objections	04
Summary of consultation responses:	<p>The application was advertised in the local press between 26/10/2017 and 16/11/2017 and a site notice was displayed between 20/10/2017 and 10/11/2017.</p> <p>4 objections were received from neighbouring residents on the following grounds:</p> <p>Noise disturbance:</p> <ul style="list-style-type: none"> • Noise on the rooftop terrace will travel differently. • Noise may go on later due to cleaning, etc. • Music must be kept to certain level. • Neighbours should be notified • Numbers should be restricted to 50. • Concerns about the terrace being used only during the summer. Should be limited to one per week. <p><u>Officer response</u> Please refer to section 3, specifically, paragraphs 3.2 – 3.9</p> <p>Privacy:</p> <ul style="list-style-type: none"> • The terrace will result in overlooking of neighbouring properties. <p><u>Officer response</u> The use of the roof as a terrace has already been approved as part of the previous consent, and is not under consideration as part of the current application. The terrace was not considered to result in harm to neighbouring privacy, as it would be set back from the edge to prevent direct overlooking into nearby residential buildings.</p>					

**CAAC/Local groups
comments:**

The **Covent Garden Community Association (CGCA)** objected to the application on the following grounds:

- There is no justification to extend the hours of use.
- The roof terrace is likely to be used less in the winter months, resulting in increased use in summer and increased noise disturbance.
- Should the Council be minded to grant the variation, the following conditions should be included to attempt to protect the amenity of neighbouring properties:
 - (1) No music should be permitted on the roof terrace or that is audible from inside the building;
 - (2) No structures should be permitted on the roof terrace (e.g. tents, marquees);
 - (3) No lights should be permitted on the roof terrace, as these would result in light pollution and disturbance for neighbouring residents;
 - (4) No more than 12 events per year should be permitted;
 - (5) No food or alcohol should be served on the roof terrace;
 - (6) No more than 50 people should be permitted on the roof terrace at any one time. The applicant's documents refer to 136 people using the roof terrace at any one time. This is significantly more people than use a typical office terrace in Covent Garden and is inappropriate given the proximity of neighbouring residents.
 - (7) No third-party events should be allowed.
 - (8) Use of the roof terrace should be limited to Monday through Friday (e.g. no use on Saturday, Sunday or Bank Holidays).

Officer response

- *Please refer to section 1.3.*
- *Please refer to section 3.8.*
- *Please refer to sections 3.2 to & 3.9.*

Westminster City Council were consulted because the other side of Shelton Street is within Westminster. They confirmed they did not wish to comment on the application.

Site Description

The Seven Dials Warehouse is a Grade II-listed building located in the Seven Dials Conservation Area, within the Seven Dials character area.

The building was subject to significant fire damage in September 1999, which largely destroyed the building's structure from the third floor upwards. It was rebuilt internally from the third floor upwards with modern floors, columns, double-glazed windows and a flat roof. The building was subsequently listed in July 2002.

The building occupies a wedge-shaped site fronting Earham Street, Neal Street and Shelton Street and was constructed in the mid-19th century as an extension to the former Coombe & Co brewery. The building has strong group value with the listed former brewery buildings to the south of Shelton Street, in the City of Westminster.

The surrounding area comprises a mix of retail, restaurant/café, theatre and commercial uses within 5-6 storey buildings of a similar nature to the application site, which is in use for retail (A1) and office (B1A) purposes.

Relevant History

2016/5939/P & 2016/5972/L - Creation of terrace at roof level; alterations to ground floor façade and fenestration; replacement of rooftop plant; and internal alterations and refurbishment. Granted 21/12/2016.

2017/1723/P & 2017/1701/L - Variation of condition 3 (approved plans) of planning permission granted on 21/12/2016 (ref:2016/5939/P) for the creation of terrace at roof level, alterations to ground floor façade and fenestration, and replacement of rooftop plant; namely, alterations to roof level plant and minor internal alterations. Granted 20/06/2017.

Relevant policies

National Planning Policy Framework 2012

The London Plan 2016

London Borough of Camden Local Plan 2017

A1 (Managing the impact of development)

D1 (Design)

D2 (Heritage)

Camden Supplementary Planning Guidance

CGP1 (Design) 2015

CPG6 (Amenity) 2011

Seven Dials Estate Conservation Area Statement 1998.

1.0 Proposal and background

1.1 Planning permission and listed building consent were previously granted for the creation of a terrace area at roof level associated with the existing office use on 21 December 2016 under reference 2016/5939/P.

1.2 Permission was granted subject to the condition that the roof terrace was not to be used between 1900 hours and 0800 hours in order to prevent disturbance to neighbouring residents. The applicant originally sought longer hours of use; however, the Council was not satisfied that the terrace could be operated without resulting in noise disturbance.

1.3 Permission is now sought to vary the above condition to allow use of the terrace until 2100 hours as a result of prospective leaseholder requirements. The applicant has also demonstrated their willingness to agree to a number of parameters to ensure that the use of the terrace does not cause disturbance to neighbours. These include limiting the use of the terrace to 2100 hours, no more than 24 times per annum, and securing a condition for a rooftop management plan which could include serving notice to neighbouring occupiers prior to events taking place.

2.0 Assessment

2.1 The material planning consideration in the determination of this application is considered to be:

- Amenity (impact of the proposals on the amenity of neighbouring residents in terms of privacy and noise disturbance).

3.0 Amenity

3.1 Local Plan Policy A1 (Managing the impact of development) seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and by only granting permission to development that would not harm the amenity of neighbouring residents.

3.2 The use of the roof terrace was previously restricted to no later than 7pm in order to prevent disturbance to neighbouring residents. The Council imposed this condition because the applicant had not demonstrated that the use of the roof terrace would not result in later evening disturbance to nearby residents. Following this, the applicant has submitted additional justification (including a noise impact assessment) as well as proposed a number of additional measures in order to ensure the terrace is properly managed and does not result in noise disturbance. These measures include their willingness to secure a management plan via condition and limiting the use of the terrace to no more than 24 times per annum.

3.3 The management plan would include measures to ensure neighbouring residents are notified of any events which last longer than 7pm. In addition, the Council will require: including commitment to vacation of the terrace by 9pm (with clearing up etc. only permitted for 30 minutes subject to it making no noise); details of a complaints resolution procedure; designated Events Manager on-site at all times; a security guard (if appropriate) to ensure anti-social behaviour does not take place; an outline schedule of events; and details of any review process. The management plan would be secured by condition, to be submitted for approval prior to occupation. It would be an enforceable document.

3.4 The applicant has indicated their willingness to accept a condition on the frequency of use for the terrace after 7pm, limiting this to 24 times per annum. Concerns have been raised by neighbours and the Covent Garden Community Association (CGCA) that this could result in excessive use of the terrace in the summer months, and not at all during winter. To overcome this, it is recommended that as well as restricting events lasting until 9pm to no more than 24 times per annum, there must be no more than 3 per calendar month (i.e. this would prevent continual use in the event of any good weather during the summer period).

3.5 In line with CGCA recommendations, planning permission would be subject to the condition that any music played on the roof terrace shall not be audible from surrounding residential premises and marquees/tents must not be erected on the terrace to prevent noise disturbance and visual clutter, which could harm the character and appearance of the listed building and wider conservation area. Use of the terrace would also be restricted to Monday to Saturday (no Sundays or bank holidays).

3.6 The CGCA also suggested a number of other conditions to be imposed on the use of the roof terrace. These include preventing the installation of lights on the roof terrace; not allowing food or drink to be served on the roof terrace; restricting numbers to no more than 50 people; and no third party events.

3.7 It is not considered necessary or reasonable to impose a condition preventing food or drink being served on the roof terrace. The use of the terrace would be subject to a premises licence, which would include conditions and monitoring if approved and can be revoked, and planning would not prejudice that separate process. Furthermore, the management plan would include details of an events manager and security guard (if appropriate) to ensure anti-social behaviour does not take place.

3.8 With regard to lighting, given the fact that the use of the terrace would only be until 9pm at the latest, and the terrace is likely to be used predominantly in the summer, this is unlikely to be an issue. Furthermore, details of the proposed lighting strategy were agreed as part of the previous consent. Roof terrace lighting would be triggered by a PIR sensor when the roof terrace is accessed so that lighting is not permanently in use, and would automatically turn off once the terrace was vacated. Any additional lighting over and above that approved would require planning permission and/or listed building consent, so would be assessed on its merits.

3.9 The CGCA also suggested limiting the number of people allowed on the roof terrace to 50 people because the maximum occupancy of the roof terrace (136 people) would be inappropriate. The applicant has submitted a noise impact assessment prepared by Clarke Saunders, to assess the noise impact resulting from 136 people on the terrace at one time. It found that the noise climate on the surrounding streets is characterised by relatively consistent average and maximum levels. Noise survey data collected at roof level showed that there is a slight reduction in the overall average noise levels during the late evening period. Average noise levels remain in the high 50's to low 60's (dba) throughout the period when the roof terrace could be occupied.

3.10 The noise assessment used published data from *Pearson, Bennet & Fidell (1977)* for an individual 'raised' voice for the purposes for the assessment. Measurement data which was used in a similar assessment of terrace noise levels for other office developments was used for group calculations.

3.11 The nearest residential windows are identified as 25 Shelton Street, 40 Earlham Street, Nottingham Court and properties on Odhams Walk, which range from 25m to 86m away. The report assesses the maximum occupancy of the terrace (136 people), by calculating noise levels of 5 groups of 25-30 people distributed across the terrace. The study showed the loudest noise levels would be

47dba from Odhams Walk. The study concludes that in the context of the urban noise climate of the area, noise levels of up to 55dba outside nearby windows are entirely consistent with the soundscape. Resultant internal levels of 40dba and lower are unlikely to be intrusive and levels below 35dba unnoticeable. By way of comparison, typical internal noise levels from a quiet television or background music would be around 45-55dba. The assessment concludes that extending the hours of use up until 9pm would not have a detrimental impact on residential amenity.

3.12 Overall, it is considered that the additional two hours of extended use until 9pm would not have a detrimental impact on neighbouring amenity, given the ambient noise levels in the Covent Garden area across this time period. In addition, any potential impacts would be successfully mitigated by the management plan, which includes provisions for the management of the terrace, and a complaints procedure, should neighbours be disturbed during the course of any particular event.

4.0 Recommendation

4.1 Grant conditional planning permission.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 18th December 2017, 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 and search for 'Members Briefing'.

Miss Laura Morris
CBRE
Henrietta House
Henrietta Place
London
W1G 0NB

Application Ref: **2017/5591/P**
Please ask for: **Laura Hazelton**
Telephone: 020 7974 **1017**

14 December 2017

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted

Address:
Seven Dials Warehouse
42 Earlham Street
London
WC2H 9LA

DECISION

Proposal: Variation of condition 4 (roof terrace hours of use) of planning permission granted on 21/12/2016 (ref:2016/5939/P), as amended by application ref: 2017/1723/P granted on 20/06/2017, for the creation of terrace at roof level, alterations to ground floor façade and fenestration, and replacement of rooftop plant.

Drawing Nos: Covering letter dated 06/10/2017 and Noise Impact Assessment by Clarke Saunders dated 04/10/2017.

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 the original permission granted on 21/12/2016 under reference 2016/5939/P.

Executive Director Supporting Communities



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: 527-EX.01, 527-EX.02, 527-EX.03, 527-EX.04, 527EX.05, 527-EX.06, 527-EX.07, 527-EX.08, 527-EX.09, 527-EX.10, 527-EX.11, 527-EX.13, 527-EX.14, 527-EX.15, 527-EX.16, 527-EX.17, 527-EX.18, 527-EX.19, 527-AS.01, 527-AS.02, 527-AS.03, 527-AS.04, 527-AS.05, 527-AS.06, 527-AS.07, 527-AS.08, 527-AS.09, 527-AS.10, 527-AS.11, 527-AS.12, 527-AS.13, 527-AS.14, 527-AS.15, 527-AS.16, 527-AS.17, 527-AS.18, 527-AS.19, 527-AS.20, 527-AS.21, 527-AS.22, 527-AS.23, 527-AS.24, 527-AS.25, 527-AS.26, 527-AS.27, 527-AS.28, 527-AS.29, 527-AS.31, 527-AS.32, 527-AS.33, 527-AS.34, 527-AS.35, 527GA.01, 527-GA.02, 527-GA.03, 527-GA.04, 527-GA.05, 527-GA.06, 527-GA.07, 527-GA.08, 527-GA.09, 527-GA.10, 527-GA.11, 527-GA.12, 527-GA.13, 527GA.14, Design & Access Statement (GPad) - October 2016, Planning Statement (CBRE) (28th October 2016), Historic Building Report (Donald Insall Associates) (October 2016), Noise Impact Assessment (Clarke Saunders)(14 October 2016).

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

- 4 For the purposes of this decision, condition no.4 of planning permission 2016/5939/P shall be replaced with the following condition:

REPLACEMENT CONDITION 4

The roof terrace hereby approved shall not be used between 1900 hours and 0800 hours, apart from events restricted to 2100 (no more than 3 per calendar month and not exceeding 24 per annum). Staff members are permitted to close and vacate the premises, as long as they do not make noise which would be audible from any nearby residential properties, up to a maximum of 30 minutes beyond the approved opening hours.

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

- 5 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(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 G1, CC1, D1, and A1 of the London Borough of Camden Local Plan 2017.

- 6 Prior to use, new plant or equipment and any associated ducting at the development shall be mounted with proprietary anti-vibration isolators and any motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy G1, A1, A4, D1, and CC1 of the London Borough of Camden Local Plan 2017.

- 7 No music shall be played on the terrace in such a way as to be audible within any nearby residential premises.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, CC1, D1, A1, and A4 of the London Borough of Camden Local Plan 2017.

- 8 No structures shall be erected on the roof terrace (e.g. tents, marquees).

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.

- 9 Prior to the first use of the roof terrace, a management plan for the use of the rooftop terrace for those occasions where the use extends beyond 7pm shall be submitted to and approved in writing by the Local Planning Authority and shall be adhered to throughout the period of its use. The management plan shall include details of neighbour notification of any events which last longer than 7pm; vacation of the terrace by 9pm; details of a complaints resolution procedure; designated Events Manager on-site at all times; a security guard (if appropriate) to ensure anti-social behaviour does not take place; an outline schedule of events; and details of any review process.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, CC1, D1, and A1 of the London Borough of Camden Local Plan 2017.

- 10 The use of the terrace hereby permitted shall not be carried out on Sundays and Bank Holidays.

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 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 permission is granted without prejudice to the necessity of obtaining a separate premises license in order to sell or supply alcohol. Application forms may be obtained from the Council's website, <https://www.camden.gov.uk/ccm/navigation/business/your-business-account/licensing-and-permits/> or the Camden Contact Centre on Tel: 020 7974 4444.

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

Director of Regeneration and Planning