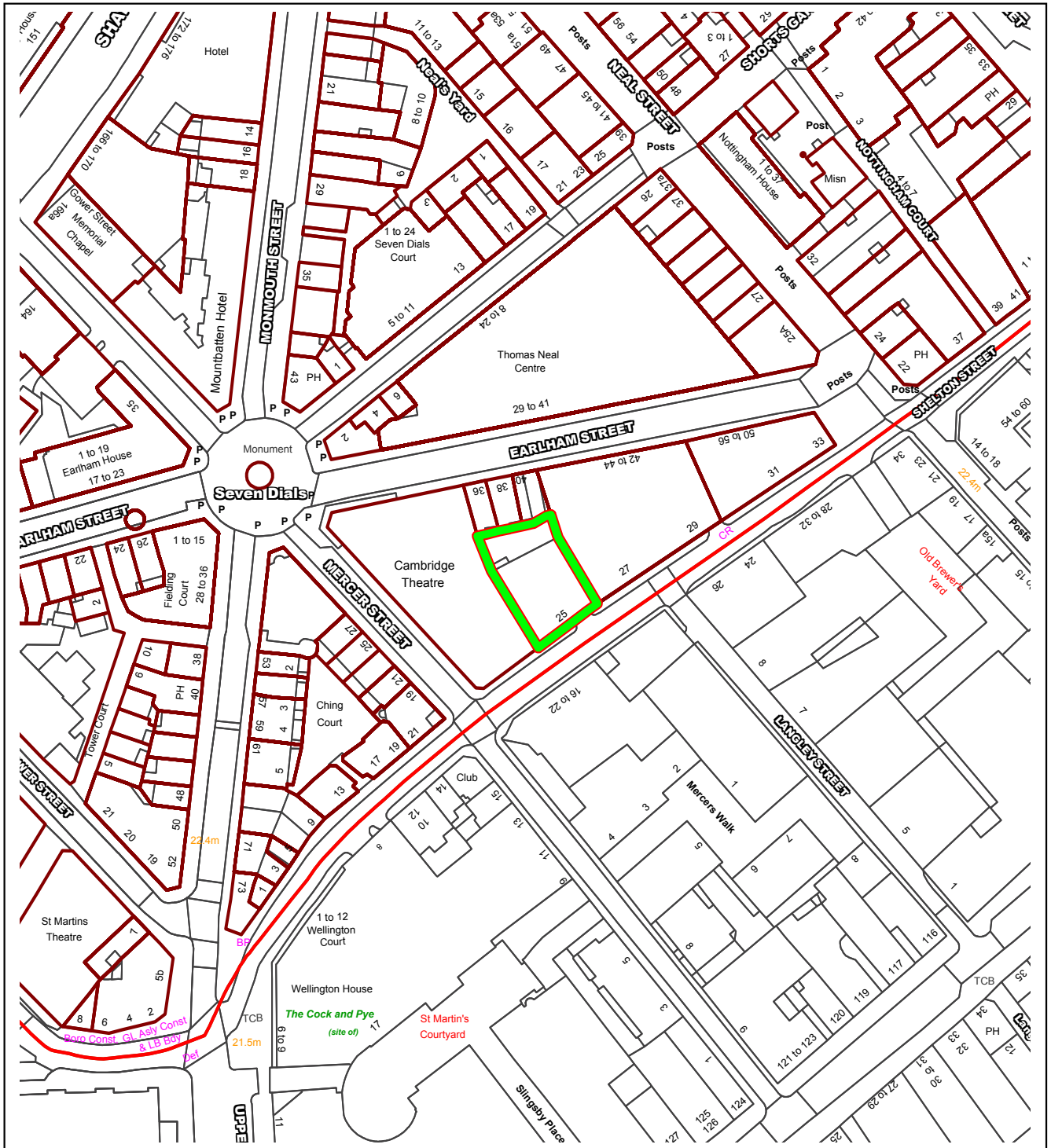


2019/4573/P - 25 Shelton Street, WC2H 9HW



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25 Shelton Street Photographs

1. Existing Front Elevation



2. Existing Courtyard



3. Courtyard, Existing Canopy and Upper Floors of No. 25 Shelton Street



4. Existing Canopy



Delegated Report		Analysis sheet		Expiry Date:		04/11/2019	
(Member's Briefing)		N/A		Consultation Expiry Date:		03/11/2019	
Officer				Application Numbers			
Thomas Sild				2019/4573/P			
Application Address				Drawing Numbers			
25 Shelton Street London WC1H 9HW				See draft decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Removal of existing canopy structure and erection of roof structure to infill rear courtyard at ground floor level; Addition of rear entrance doors within rear passage, all in association with the existing basement and ground floor unit (Class A1/Sui-generis)							
Recommendation:		Grant Conditional Planning Permission					
Application Type:		Full Planning Permission					

Conditions:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	--	No. of responses	6	No. of objections	6
Summary of consultation responses:	<p>Site notices were displayed in close proximity to the application site from 09/10/2019 (expiring on 02/11/2019).</p> <p>To date, 6 comments/objections have been received from the following addresses:</p> <ul style="list-style-type: none"> • WYG on behalf of the Cambridge Theatre (LW Theatres) • 40 H Earlham Street • Flat E, 40 Earlham Street • Address Unknown • Address Unknown • Address Unknown <p>Their comments are summarised below:</p> <ol style="list-style-type: none"> 1. Roof does not allow maintenance for the upper floors or adjoining theatre; 2. Concerns of potential noise, light pollution 3. No structural report given 4. The roof lights do not appear to be lockable 5. Should include a green roof <p>Officer's Response:</p> <ol style="list-style-type: none"> 1. <i>The roof would provide areas of flat roof surrounding the courtyard sides and allow for the erection of scaffolding. Notwithstanding this, rights of access and maintenance are however civil matters for negotiation between respective parties and are not a material planning consideration.</i> 2. <i>It is not considered that the proposal leads to adverse levels of light pollution, smells and noise. Please refer to section 3.0.</i> 3. <i>Structural stability is not a material planning consideration and is overseen by building regulations</i> 4. <i>Security of private property is not a material planning consideration</i> 5. <i>The proposals have been amended to include areas of sedum 'green' roof</i> 					
Comments from local groups:	<p>The Covent Garden Community Association have objected to the scheme with their comments summarised as below:</p> <ol style="list-style-type: none"> 1. Lower quality design compared to previous scheme and flat roof unsympathetic to surroundings 2. Potential for noise nuisance 					

3. The proposals should consider maintenance, be a free standing structure, have adequate drainage and be secured to prevent out of hours access to neighbouring properties

Officer's Response:

1. *The proposal has been amended to provide a glazed roof lantern and areas of green roof to add visual interest*
2. *The roof would be largely solid which would limit noise emission however a planning condition would be attached as per the previous planning conditions for the premises, 2017/4818/P and 2017/3487/P which required that no externally audible music shall be played on the premises*
3. *The roof would provide areas of flat roof surrounding the courtyard sides and allow for the erection of scaffolding. Notwithstanding this, rights of access and maintenance are however civil matters for negotiation between respective parties and are not a material planning consideration. The internal structural make up is not a material planning consideration and is a building regulations matter. The roof top drainage is a private matter for the property owners, which cannot be enforced through planning control as is the security of the premises.*

The **Theatres Trust** has objected to the proposals:

1. No notification was received from the Council on the application
2. Enclosing the courtyard fails to enable access and maintenance and the development would harm the ability of the theatre to operate

Officer's Response:

1. *The red line area for the planning application does not include the theatre and as such there is not considered to be a statutory requirement for direct consultation with the Theatres Trust<?. Statutory public consultation was however undertaken by the Council accordingly which includes notices being displayed in proximity to the site and a press notice in the local paper.*
2. *Access to surrounding walls will be possible from the new roof top. However rights of access and maintenance are civil matters for negotiation between the respective parties and are not a material planning consideration. The development itself would not reasonably be considered to impact the operation of the theatre*

Site Description

The application site comprises of a ground floor unit with a fully enclosed courtyard at the rear within a six-storey building located on the northern side of Shelton Street. The building is located within the Seven Dials Conservation Area and is described as a building that is a positive contributor to the conservation area. The host building is not listed however the rear courtyard adjoins a total of 5 Grade II listed buildings, which include the Cambridge Theatre, nos. 36-40 Earlham Street and the Seven Dials Warehouse.

The courtyard is in ownership of the ground floor A1/sui generis unit (see history) and is currently ancillary external space. The erection of the roof seeks to internalise the courtyard in order to have extended commercial space.

The borough boundary between the London Borough of Camden and the City of Westminster falls to the front of the site.

Relevant History

- August 2017 - 2017/3487/P – Planning permission granted on for the use of basement and ground floor for a flexible use, as either retail (A1) or health and beauty spa (sui generis), or a combination of the two.
- March 2018 - 2017/6997/P - Planning permission granted on for the replacement of existing shopfront and associated external works
- April 2018 - 2018/0846/P – Planning permission granted for removal of existing canopy and erection of glass pitched roof and steel structure to infill rear courtyard and installation of ramp in association with the ground and basement unit (Use Sui generis/A1)

Relevant policies

National Planning Policy Framework 2019

The London Plan 2016

Camden Local Plan 2017

A1 (Managing the impact of development)

D1 (Design)

D2 (Heritage)

Camden Supplementary Planning Guidance

CPG Design (2019)

CPG Amenity (2019)

Seven Dials Conservation Area Statement (1998)

Assessment

1. Proposal

1.1 Planning permission is sought for the following:

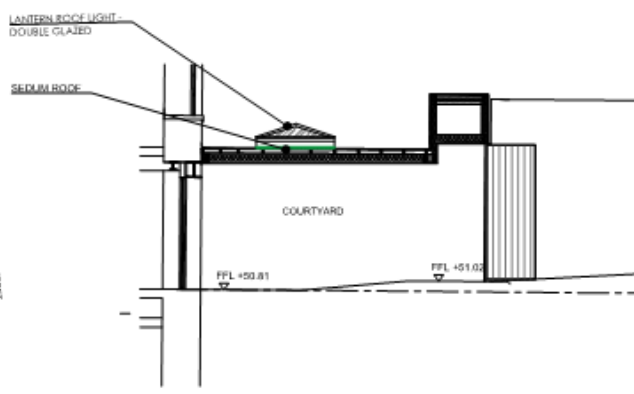
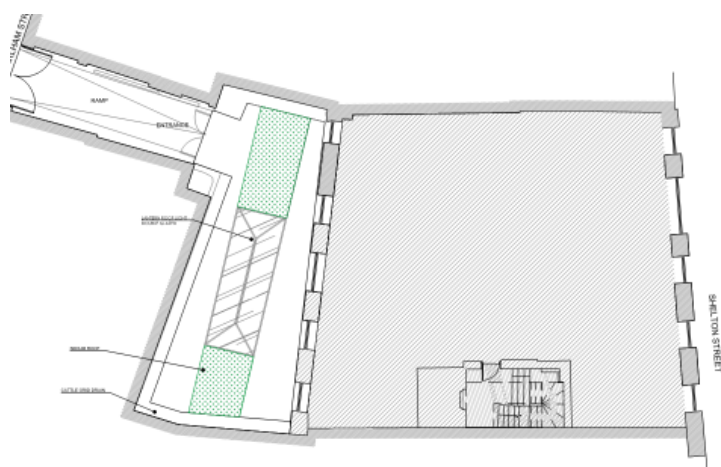
- Removal of existing canopy
- Erection of roof structure including roof lantern and areas of sedum 'green' roof
- Addition of timber rear entrance doors within rear passage

1.2 Following officer advice, revisions were submitted during the process of the application which included the addition of the roof lantern and sedum roof.

1.3 The roofing seeks to internalise the courtyard in order to have extended commercial space - either A1 (retail) or Sui generis (health and beauty spa). The proposed additional floorspace covered by the roofing would be 96sqm.

1.4 The main issues for consideration are:

- Land use
- Design and heritage; The impact of the proposal upon the character or appearance of the host building and the surrounding area
- Residential amenity; the impact the proposal may have upon the amenity of the occupiers of the neighbouring properties.



2. Land use

The site currently enjoys a lawful dual A1/Sui generis use and no change of use is proposed as part of this application. The rear courtyard is ancillary to the commercial unit and its covering would provide a further 96sqm floorspace for these uses.

3. Design and heritage

3.1 The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained in policy D1 are relevant to the application; development should consider the character, setting, context and the form and scale of neighbouring buildings, and the quality of materials used. Policy D2 will preserve, and

where appropriate, enhance Camden's diverse assets and their settings including conservation areas and listed buildings.

- 3.2 CPG1 (Design) recommends alterations to take into account the character and design of the host building and its surroundings. Materials and design should complement the existing building. The Seven Dials Conservation Area Statement advises that appropriate design for the conservation area can reflect both the historic and the modern context and both traditional and contemporary materials may be appropriate.
- 3.3 The proposal is for a flat roof structure with central glazed lantern and sedum 'green' roof elements. The roof structure would sit 2.8m above the courtyard ground level with the roof lantern adding a further 0.5m high projection. Along the perimeter of the roof at first floor level, the flat roofed areas would allow access above for maintenance purposes for the roof and for the residential units above.
- 3.4 The proposed roof would not be visible to the wider surroundings beyond the courtyard space. Given its limited visibility the proposed roof structure is considered to be acceptable in its design and would not detract from the setting of the adjoining listed buildings. The siting of the structure above ground level only would maintain the courtyard spacing above and retain the historic form of a gap between the adjacent buildings.
- 3.5 The proposed timber rear entrance doors would be set back approximately 9m within the rear passageway. Visibility of these would be limited and they would not result in impact on the character and appearance of the surroundings.

4. Residential Amenity

- 4.1 Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Policy A1 seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents. This includes privacy, overlooking, outlook and implications on daylight and sunlight. CPG6 seeks for developments to be 'designed to protect the privacy of both new and existing dwellings to a reasonable degree' and that the Council 'aim to minimise the impact of the loss of daylight caused by a development on the amenity of existing occupiers'.
- 4.2 The proposed development is not considered to affect the amenity of adjoining residential occupiers in regards to sunlight, daylight, outlook, overlooking and sense of enclosure by reason of its location at ground floor level with residential uses being located at higher levels surrounding the courtyard.
- 4.3 The courtyard is associated with the ground floor A1/sui generis unit but is not currently used commercially. The proposal would internalise the courtyard with the roof structure in order to have extended commercial space of 96sqm. The largely solid roof structure would restrict noise externally however a planning condition would be attached restricting externally audible sound in line with the previous use permissions for the premises.

5. Recommendation

Grant conditional planning permission

DISCLAIMER

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 23rd December 2019, 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'.

Application ref: 2019/4573/P
Contact: Thomas Sild
Tel: 020 7974 3686
Date: 16 December 2019

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

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk

Rolfe Judd Planning
Old Church Court
Claylands Road
Oval
London
SW8 1NZ

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
25 Shelton Street
London
WC2H 9HW

DECISION

Proposal:

Removal of existing canopy structure and erection of roof structure to infill rear courtyard at ground floor level; Addition of rear entrance doors within rear passage, all in association with the existing basement and ground floor unit (Class A1/Sui-generis)

Drawing Nos: E100; E101; E102; E103; E104; P101 REV A; P102 REV A; P103 REV A;
P104 REV A; P105 REV A; P106 REV A

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: E100; E101; E102; E103; E104; P101 REV A; P102 REV A; P103 REV A; P104 REV A; P105 REV A; P106 REV A

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

- 3 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) Manufacturer's specification details of all facing materials including the roof lantern (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).

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 policy D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 Prior to commencement of development, full details in respect of the living roof in the area indicated on the approved roof plan shall be submitted to and approved by the local planning authority. The details shall include
- i. a detailed scheme of maintenance
 - ii. sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used
 - iii. full details of planting species and density

The living roofs shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies G1, CC1, CC2, CC3, D1, D2 and A3 of the London Borough of Camden Local Plan 2017.

- 5 No music shall be played or sound emanate from the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.

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.

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 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> 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.

- 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 London Borough of Camden 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.

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 2019.

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