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5 Pancras Square  
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**FAO Mr Jonathan McClue**

7<sup>th</sup> April 2020

Our Reference: 15/389  
Via PLANNING PORTAL

Dear Jonathan,

**THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED), SECTION 73**

**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) 16-23 (INC) DENMARK PLACE 52-59 (INC)  
ST.GILES HIGH STREET 4 FLITCROFT STREET AND 1 BOOK MEWS LONDON WC2**

**SECTION 73 APPLICATION IN RELATION TO PLANNING PERMISSION 2012/6858/P(AS  
AMENDED VIA 2015/6939/P AND 2015/3900/P)**

I write on behalf of our client, Consolidated Developments Limited, to submit an application under Section 73 of the Town and Country Planning Act 1990 (as amended) to delete Condition 53 from planning permission 2012/6858/P (as amended via 2015/6939/P and 2015/3900/P), granted on 31 March 2015, to allow for 24 hour servicing of the St Giles Circus redevelopment.

**Background**

Planning permission was granted for the following development:

*“Redevelopment involving the 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)."*

The permission has subsequently been amended by two separate MMAs and a number of NMAs but for all intents and purposes the development remains as per the original consent in terms of land uses and proportion of uses.

## **The Proposed Amendment**

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Currently the development approved under planning permission 2012/6858/P (as amended via 2015/6939/P and 2015/3900/P) is subject to a planning condition which limits the hours of servicing.

Condition 53 reads as follows:

*"No loading or unloading of goods associated with the use of the buildings, including fuel, by vehicles arriving at or departing from the premises shall be carried out outside the following times: 07:00-20:00 Monday to Saturday and 08:00 - 20.00 Sunday and on Public/Bank Holidays."*

These restrictions were put in place due to the potential noise and acoustic impacts on local residents. However, it should be noted that the current servicing timing restrictions do not align with the licenced operating hours of the development.

The approved scheme includes a 2,000 person capacity music/entertainment venue at basement level. The restrictions on servicing between the hours stated in the condition would impede the function of the music venue, and other associated music related uses, which would necessarily require loading and unloading for artists and musicians before and after performances, allowing them to load their equipment and leave the premises once they have played the venue.

As such, this application is seeking the removal of the condition to allow for 24 hour servicing within the scope of a revised Servicing Management Plan, submitted with this application. For clarity there will be no increase in the number of servicing vehicles accessing the site as a result of this change, as controlled by a separate planning condition.

The implications of the removal of this condition on neighbouring residents as well as surrounding transport networks have been carefully considered. Alongside the Servicing Management Plan a Noise Impact Assessment has been provided in support of this application.

### Noise

The Noise Impact Assessment demonstrates that there will not be an adverse noise impact on neighbouring residents from servicing during the night. However, notwithstanding this, a number of measures are proposed to further minimise noise:

- Introducing attenuation measures;
- Ensuring that deliveries associated with a larger volume of noise only occur during the day e.g. glass collection;
- Introducing an acoustic tunnel mitigation measure along Denmark street to transport equipment outside of the internal arcade;
- Using newer and quieter delivery vehicles where possible;
- Utilising quiet roll cages, rubber matting, soft-close doors for late-night servicing;

- Ensuring all people involved in delivery activity are briefed and trained appropriately;
- Ensuring the delivery point and surrounding areas are clear of obstructions so vehicles and staff can manoeuvre easily;
- Keeping doors other than the delivery point closed so noise cannot escape;
- Preparing goods and equipment for transit behind closed doors;
- Making sure the delivery/servicing point is ready before use; and
- Switching off delivery vehicle engines as soon as possible and modifying reversing alarms.

### Highways

The revised Servicing Management Plan further considers the impacts of trip generation from servicing on the surrounding transport and infrastructure network.

The report demonstrates that if the night-time restrictions on loading were removed, a proportion of the servicing associated with the basement music venue which would have otherwise occurred during the day would occur at night. As such, daytime trip generation would be reduced, further minimising the impact on the surrounding road network at peak times.

A balanced approach to servicing schedules for the different venues, businesses and tenants is also proposed within this Servicing Management Plan to ensure all relevant needs are met whilst also avoiding placing undue stress on the transport network during peak hours. These servicing slots will be coordinated through a centralised booking system for deliveries and servicing. By expanding the available time slots to accommodate 24 hour servicing, not only would this better serve the needs of the music venue, but as noted above, allow for greater flexibility of booking these slots to avoid the likelihood of multiple large vehicles arriving at the same time.

### **a. The Application Package**

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The application has been submitted via the Planning Portal and comprises:

- Completed application form for a minor material amendment (S73) application;
- Site Location Plan;
- Cover letter, prepared by Icen Projects Ltd;
- Servicing Management Plan, prepared by Curtins;
- Loading Bay- Noise Impact Assessment, prepared by AECOM; and
- Noise Survey, prepared by AECOM.

The £234.00 fee was paid when submitting this application via the Planning Portal. We would be grateful if you can issue a receipt.

We trust that the information provided is sufficient to enable the council to validate and discharge the conditions, and look forward to receiving confirmation of this at the earliest opportunity. In the

meantime, please contact me on 07972 563 579 ([asnow@iceniprojects.com](mailto:asnow@iceniprojects.com)) should you have any questions.

Yours faithfully,



Anna Snow  
Director

Enc. As listed above