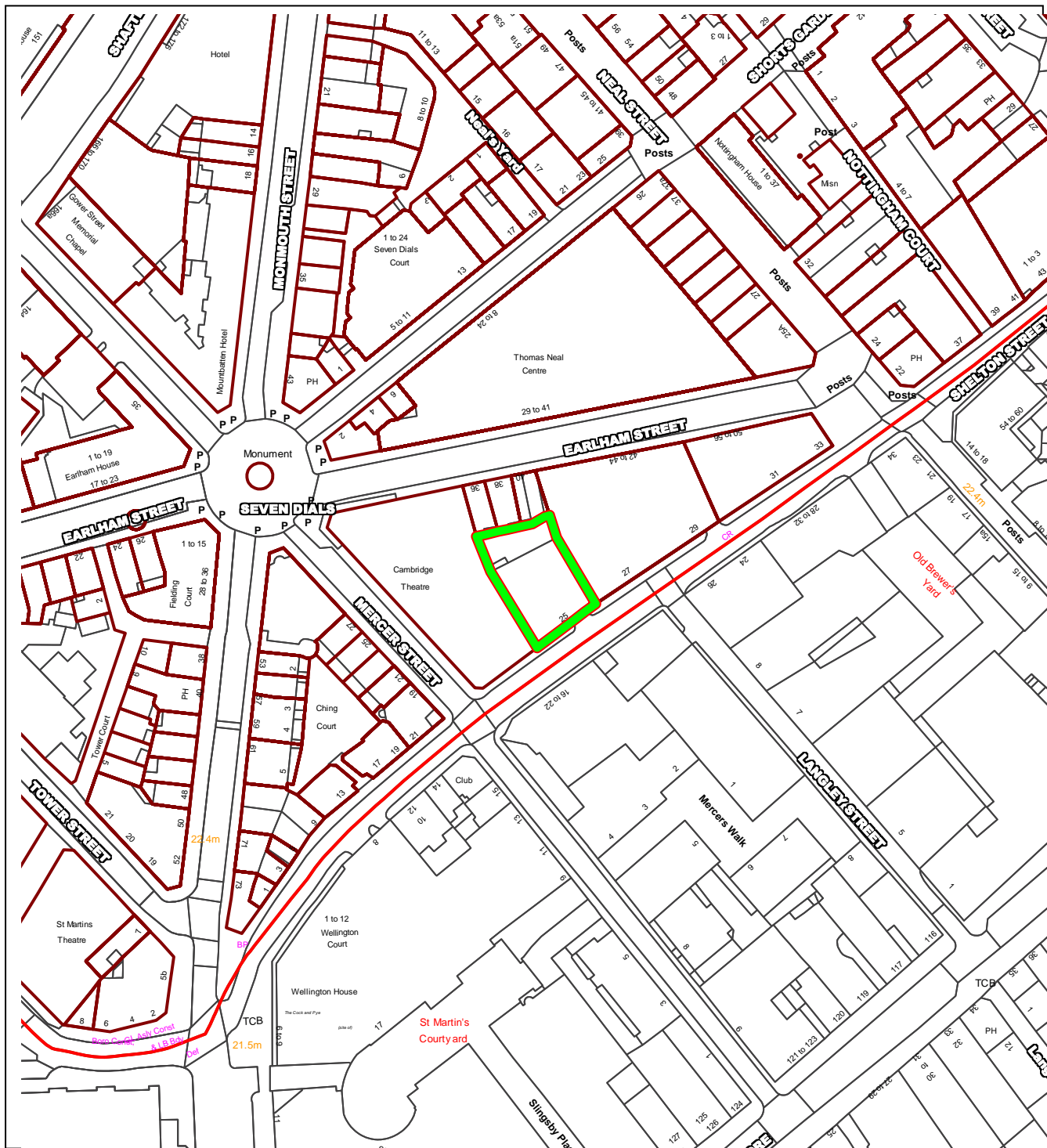


NORTHGATE SE GIS Print Template



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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 (Member's Briefing)		Analysis sheet		Expiry Date:	27/07/2020
		N/A		Consultation Expiry Date:	23/11/2020
Officer			Application Numbers		
Adam Greenhalgh			2020/1753/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 canopy on rear elevation and erection of single storey rear extension including air ventilation equipment within existing external courtyard for use by the A1/sui generis (health and beauty spa) use in the ground floor and basement.					
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	8	No. of objections	8
Summary of consultation responses:	Site notice: 10/06/2020 – 04/07/2020 Press ad: 11/06/2020 – 05/07/2020					
	To date, 8 comments/objections have been received from the following addresses: <ul style="list-style-type: none">• Cambridge Theatre• Occupier of flat, 1st floor 25 Shelton Street• Two occupiers of 40 Earlham Street• Flat C 40 Earlham Street• 3 addresses unknown Their comments are summarised below: <ol style="list-style-type: none">1. Proposal would prevent access to walls of adjoining properties, including Cambridge Theatre, for maintenance and cleaning.2. Noise, fumes and heat emissions from mechanical plant; frequency and levels of noise3. Green roof should be re-provided for environmental reasons4. Lack of elevational detail to Earlham Street side5. Lack of consultation6. Obstruction to fire access route7. Development appears to be partly underway8. Inaccurate description of development. Noise Assessment refers to ‘gallery’ use. Noise Assessment refers to alternative opening hours to those conditioned under planning permission 2019/4573/P9. Noise Assessment indicates acoustic lining to be provided on wall (of theatre). Officer’s Response: <ol style="list-style-type: none">1. <i>There would be a 550mm gap between the extension and the surrounding properties. A scaffolding proposal is included. It shows scaffolding to enable access to the neighbouring buildings. Notwithstanding this, access arrangements for maintenance are civil matters for negotiation between respective parties and are not a material planning consideration.</i>2. <i>The proposed mechanical ventilation system has been assessed not to give rise to excessive levels of emissions. The proposal should not</i>					

	<p><i>give rise to excessive light during night time hours. The condition relating to hours of use on the planning permission for the ground floor and basement can be applied to the proposed extension. Please refer to section 4.0.</i></p> <ol style="list-style-type: none"> <i>3. Given the size of roof available for a green roof it is not considered that a green roof would make a significant contribution to environmental conditions</i> <i>4. The proposed plans, sections and elevations enable an assessment of the physical impacts to be undertaken.</i> <i>5. Site notices were displayed and a press advertisement was undertaken in accordance with statutory legislation</i> <i>6. The proposal would not block any fire escape doors.</i> <i>7. Extant planning permissions are in place for alternative rear courtyard infill structures and therefore work may commence on site.</i> <i>8. The description of development accurately describes the applicant's proposals. All aspects of the proposal have been assessed accordingly. Should planning permission be granted, it would be for the development as described.</i> <i>9. The agent has advised that the acoustic lining would not be attached to the wall of the theatre.</i>
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<p>Comments from local groups:</p>	<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. Free-standing design welcomed and proposed materials of a higher quality than before 2. Concerns remain regarding access to rear elevations of neighbouring Listed buildings for maintenance purposes 3. Potential for noise nuisance and light pollution; conditions needed to prevent noise and control hours of use; noise and disturbance from Earlham Street passage 4. Noise and emissions from new plant; and harm to fabric of neighbouring Listed buildings 5. Security issues and risk to existing flats from proposed access via Earlham Street 6. Elevations of all 4 sides required; and details of doors to Earlham Street; details of passage to Earlham Street required 7. No information on noise or access to proposed mechanical plant 8. Scaffolding information for access/maintenance required <p><i>Officer's Response:</i></p> <ol style="list-style-type: none"> 1. See section 3 below 2. A scaffolding proposal is included. It shows scaffolding to the rear elevations of the neighbouring buildings. 3. The proposed extension should not give rise to undue levels of noise. The condition relating to hours of use on the planning permission for the ground floor and basement can be applied to the proposed extension. The existing passage to the site could be no more vulnerable to anti-social behaviour. 4. The proposed mechanical ventilation system has been assessed not to give rise to excessive levels of emissions. The level of emissions should not harm the fabric of the neighbouring Listed Buildings. 5. The proposal would present no more opportunities for access to and risk to private property. 6. The proposed plans, sections and elevations enable an assessment of the physical impacts to be undertaken. A drawing of the Earlham Street entrance has been provided. 7. A Plant Noise Assessment has been submitted 8. A scaffolding proposal has been submitted
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Site Description

The application site comprises 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 noted in the conservation area statement as a building that makes a positive contribution 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)
- October 2019 – 2019/4573/P - 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)

Relevant policies

National Planning Policy Framework 2019

The London Plan 2016, consolidated with alterations since 2011

Intend to Publish London Plan 2019

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 removal of the existing canopy on the rear elevation and the erection of a single storey rear extension including air ventilation equipment within the existing external courtyard for use by the A1/sui generis (health and beauty spa) use in the ground floor and basement.
- 1.2 The proposed extension would be 15m in width and from 3 to 6.5m in depth. It would be attached to the rear elevation of 25 Shelton Street by way of a 3m link and a 1.75m wide link would be formed to the passage between 38 and 40 Earlham Street. Otherwise the extension would be separated from the courtyard buildings by a gap of 550mm. The extension would be of steel frame construction with timber infills. The roof would be finished in rubber membrane with two low pitched skylights. At its western end, adjacent to the Cambridge Theatre it would include a plant room with air vents to be positioned within an attenuated box. The plant room would be enclosed.
- 1.3 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
 - Effects on the amenity and use of surrounding buildings; the impact the proposal may have upon the amenity of the occupiers of the neighbouring dwellings and the use of commercial properties, e.g. Cambridge Theatre.
 - Other matters (Green roof)

2. Land use

- 2.1 The proposal is for an extension to the ground floor at 25 Shelton Street which has planning permission for a dual A1/Sui generis (beauty and health spa) use. The applicant has indicated that the extension would be used as a gallery ancillary to the permitted A1 use and that no change of use will take place. This being the case there are no objections in principle. If a material change of use does take place then planning permission would be needed for the new use.

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 application follows two previous applications (both approved) for similar proposals (ref: 2018/0846/P granted 20/02/2018 and 2019/4573/P granted 03/10/2019).
- 3.4 A difference between the current proposal and the previously approved schemes is that no part of the proposal would abut the walls of the adjoining buildings, including the listed Cambridge theatre and the listed buildings at 36 - 40 Earlham Street.
- 3.5 In terms of the setting of the Listed Buildings the proposal is improved from previous iterations as the structure is freestanding and it would not abut any of the listed walls. As the works would not be visible from any public vantage point and as the principle of the impact on spatial quality has already been agreed in the previous approvals, the current proposal is not considered to result in any harm to the setting, historic or architectural integrity of any Listed Buildings and it would not harm the character or appearance of the Seven Dials Conservation Area. A condition is added to secure details of the materials prior to the relevant part of the works.
- 3.6 The proposed entrance doors between 38 and 40 Earlham Street 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.
- 3.7 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.
- 3.8 Special regard has been attached to the desirability of preserving the setting of the neighbouring listed buildings 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 2013.

4. Effects on the amenity and use of surrounding buildings;

- 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 There are no windows on the ground floor of any of the neighbouring properties and the proposal would not be overbearing upon or result in an undue loss of outlook from any of the neighbouring properties. There would be no loss of light or privacy for any surrounding occupiers. Access to the proposal would be via the existing access between nos. 38 and 40 Earlham Street. This is an existing access which would adequately serve the proposal without

resulting in any loss of public safety or loss of amenity for adjoining occupiers.

- 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 in order to have extended commercial space. The solid extension would restrict noise externally however the condition attached to the previous permissions regarding no external audible sound can be attached. It is considered reasonable and necessary to add a condition which restricts the hours of use in the development, consistent with the hours permitted under planning permission 2017/3487/P.
- 4.4 The Plant Noise Assessment which has been submitted demonstrates that, subject to conditions relating to noise level emissions and the installation of anti-vibration measures, the predicted noise levels within the report are reasonable taking into account the current Covid 19 effect on ambient area noise levels and therefore acceptable in environmental health terms.
- 4.5 Cambridge Theatre object on the grounds that the new plant would potentially disrupt performances in the theatre. However, the Council's Environmental Health Officer has noted that noise levels from the plant would be below ambient levels. The Noise Assessment indicates that acoustic lining should be provided adjacent to the wall of the theatre. These would prevent reverberation within the courtyard and they are not needed to prevent noise from travelling into the theatre. The agent has indicated that the lining would not fall outside the application site and be on the theatre wall.

5. Other matters (Green roof)

- 5.1 The previously approved scheme (2019/4573/P) had a green roof covering part of the structure. However, the submission notes that the green panels were very shallow and raised concerns about the sustainability of the planting. Given the size of the roof available for greening it is not considered that the effects on biodiversity and climate change are such that this is required in this instance.

6. Recommendation

- 6.1 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 14th December 2020, 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: 2020/1753/P
Contact: Adam Greenhalgh
Tel: 020 7974
Email: Adam.Greenhalgh@camden.gov.uk
Date: 10 December 2020

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

Benjamin Parker
2b West Hill
Wandsworth
London SW18 1SB

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
25 Shelton Street
London
WC2H 9HW

Proposal:

Removal of canopy on rear elevation and erection of single storey rear extension including air ventilation equipment within existing external courtyard for use by the A1/sui generis (health and beauty spa) use in the ground floor and basement

Drawing Nos: Site Location Plan, EX_100_003(2), EX_100_004(2), EX_100_005(2), pro_200_020(2), pro_200_021(2), pro_200_022(2), pro_200_023(2), pro_200_024, pro_200_025(2), pro_200_026(2), pro_200_027(2), pro_200_028(2), Plant Noise Assessment (RBA Acoustics - October 2020)

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 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.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: pro_200_020(2), pro_200_021(2), pro_200_022(2), pro_200_023(2), pro_200_024, pro_200_025(2), pro_200_026(2), pro_200_027(2), pro_200_028(2), Plant Noise Assessment (RBA Acoustics - October 2020)

Reason:

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

- 4 No music shall be played on 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 A1, A4 , TC2 and TC4 of the London Borough of Camden Local Plan 2017.

- 5 Prior to use of the development, details shall be submitted to and approved in writing by the Council, of the external noise level emitted from plant/ machinery/ equipment and mitigation measures as specified in submitted 'RBA Acoustics report Ref: 10245.RP01.PNA.0, dated 26 June 2020 meet the minimum Amber noise criteria set in The Camden Local Plan, Table C at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

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.

- 6 Prior to use, machinery, plant or equipment and ducting at the development shall be mounted with proprietary anti-vibration isolators and fan 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 policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 7 The use hereby permitted shall not be carried out outside the following times 07.00 - 20.00 Mondays to Saturdays and 10.00 - 18.00 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, A4 , TC2 and TC4 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 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.
- 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 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)

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

Chief Planning Officer