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Planning Department
London Borough of Camden
5 Pancras Square
London
N1C 4AG

8th December 2021

Ref PP-10449928
Via Planning Portal

Dear Sir/Madam,

BASEMENT & GROUND FLOOR, 1-3 DENMARK STREET, LONDON, WC2H 8LP

SECTION 73 APPLICATION TO VARY CONDITION 3 (MUSIC PLAYING) OF PLANNING PERMISSION 2013/7022/P

On behalf of Chateau Denmark Ltd, please find enclosed an application to vary condition 3 of planning permission 2013/7022/P, which grants permission for the change of use of the basement and ground floor at 1-3 Denmark Street from existing Jobcentre (Class A2) to cafe & bakery (mixed A3 & A1).

In support of this application please find enclosed the following:

- Decision Letter for planning application reference 2013/7022/P.
- Planning Application fee of £195.

Background to the Application

Planning permission was granted at 1-3 Denmark Street on 14th February 2014 for:

Change of use of basement and ground floor from existing Jobcentre (Class A2) to cafe & bakery (mixed A3 & A1).

Until recently the property was occupied by the Fernandez and Wells coffee chain before falling vacant during the recent pandemic. Our client has recently acquired the basement and ground floor lease of the property and wish to operate the units under Use Class E (b) (sale of food and drink for consumption (mostly) on the premises).

This application is being submitted in the context of the wider redevelopment of St Giles Circus which was approved under application 2012/6858/P (as subsequently amended) for the following

'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,

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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).

This planning permission (as amended) has since been implemented and is due for completion later this year.

S73 Application – Proposed Restriction on Music Playing

Denmark Street is known as ‘Tin Pan Alley’ and is renowned as an important centre of the UK popular music industry. Over the years it has attracted specialist retailers, first in music publishing and more recently in the sale and repair of pop music instruments and this is something that is protected through the implemented permission and supported by the introduction of the Urban Gallery and Event Gallery (now known as Outernet) which will ensure the ongoing success of this area as a hub for music businesses.

The wider development provides a mix of Central London uses, including restaurant, bar and basement events space, in addition to retail, hotel, residential and office floorspace. It is therefore relevant that the site sits within the Seven Dials Special Policy Area and is covered by ‘Planning Guidance for Central London - Food, Drink and Entertainment, Specialist and Retail Uses’. Adopted policies CS9 and DP12 are also relevant in directing the development of town centre uses so that they do not cause harm to the character, function, vitality and viability of an area.

It is noted Condition 3 of the 2013/7022/P permission for 1-3 Denmark Street – which was granted prior to the more extensive music related regeneration scheme for the St Giles area - restricts the playing of music in the interests of safeguarding the amenities of the adjoining premises and the area.

Condition 3 is currently worded as follows:

- 3 *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.*

It is proposed to vary the wording of Condition 3 to read as follows:

- 3 *No music shall be audible within 1m of windows serving noise sensitive uses.*

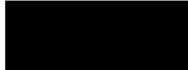
The wording of the current condition is not considered to be easily measurable or enforceable (as required by NPPF Para 56). The wording of the proposed condition is considered to address this by being more specific and precise.

The proposed condition is considered to achieve the aim of the previous condition by safeguarding the amenities of the adjoining premises. The proposed condition thereby complies with Local Plan Policy A4 – Noise and Vibration and CPG Amenity 2018, which seek to protect residents from the effects of noise and other environmental issues which affect amenity. The proposed condition is also considered to allowing for an increase in the vitality and viability of the application site in accordance with the aims of the wider redevelopment of this key strategic area. The proposed condition therefore accords with Local Plan policies TC2 and TC4 which seek to prevent reduction in vitality and viability of town centre areas. Finally, the proposed varied condition would also bring the wording of this

condition in line with the wording of condition 28 (as varied) of planning consent 2012/6858/P, thereby ensuring consistency across the wider redevelopment.

I trust the enclosed is sufficient for your purposes and I look forward to receiving confirmation that the application has been validated. In the meantime please do not hesitate to contact me at this office if I can assist in any way.

Yours sincerely,



Anna Snow
DIRECTOR