

Application ref: 2020/1318/P  
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Date: 31 August 2022

**Development Management**  
Regeneration and Planning  
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Bennetts Associates Architects  
1-3 Rawstorne Place  
London  
EC1V 7NL

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Variation or Removal of Condition(s) Granted Subject to a Section 106 Legal Agreement**

Address:

**The Shaftesbury Theatre**  
**210 Shaftesbury Avenue**  
**London**  
**WC2H 8DP**

Proposal:

Variation of condition 5 (Basement Impact Assessment), 11 (Pavement rooflights) and 12 (Approval in Principle Report) of planning permission ref. 2018/0575/P granted on 15/11/2018 for 'Various alterations to theatre building (Class D2) including basement extensions, creation of new entrance fronting Princes Circus, replacement of external lighting to façade and plant at roof level, installation of pavement lights and delivery hatch as well as minor alterations to façade and doors ' namely variation to approved Basement Impact Assessment, Pavement rooflight specification and Approval in Principle Report.  
Drawing Nos: Proposed (amended):

1702\_SP\_004\_H14, NAG-P150/60, NAG-P150-120, 1702-P-001, 1702-P-099, 1702-P-100\_A, 1702-P-101, 1702-P-102, 1702-P-103, 1702-P-104, 1702-P-105, 1702-P-210, 1702-P-220, 1702-P-230, 1702-P-301, 1702-P-302 rev A, 1702-XP-099-B, 1702-XP-100-A, 1702-XP-101-A, 1702-XP-102-B, 1702-XP-103-B, 1702-XP-104-A, 1702-XP-105-A, 1702-XP-210, 1702-XP-220, 1702-XP-230, 1702-XP-301, 1702-XP-302, EX17\_088\_11\_001.

1702\_2.5\_200720\_RSK\_52167-01(01) Shaftesbury Theatre BIA dated July 2020, 1702\_SP\_004\_H14, NAG-P150/60, NAG-P150-120, Signed Approval in Principle

prepared by Michael Jackson consulting- dated 06/04/2020 with:  
Appendix A: Drawings: 2714-1004-T1-Ground Bearing RC Slab GA 2714-1005-T1-Ground Bearing Slab GA 2714-1006-T1-Basement Box Roof Slab GA 2714-1007-T-Pavement light Supports GA 2714-1008-T1-Slab and Reinforcement Details 2714-1009-T1-Section X-X  
2714-1010-T1-Section Y-Y  
2714-1011-T1- Sheet Pile Capping Beam RC GA 2714-1012-T- Retaining Wall Elevations & Details 2714-1013-T-Typical RC Section Through Basement 2714-1014-T-Basement Box RC Shear Wall & Column GA  
2714-1015-T1-High Holborn RC GA and Sections  
2714-1016-T1 -Steps 1&2 to from New Opening in Existing Wall 2714-1017-T1- Steps 3&4 to from New Opening in Existing Wall 2714-1018-T1- Steps 5 to from New Opening in Existing Wall 2714-1019-T1-Section Through Existing Opening  
2714-1020-T- Notes  
2714-1040-T-Existing Foundation Underpinning Detail 2714-10050 Trial Pit Locations GA  
2714-1051-T1 Trial Pit Sections and Details  
Appendix B: Idealised Structure Sketch 2714-IST-02  
Appendix C: Site Investigation Reports  
Factual Site Investigation Report 25th Jan 2013 Site Investigation Report 29 January 2018  
Borehole logs-24/11/2018-01/12/2018- Strata Geotechnics  
Site Investigation Report 05/12/2019 G184804- Strata Geotechnics  
Signed Temporary Works AIP prepared by Mark Broad of Sir Robert McAlpine Design Group dated 11/03/2020

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 the original planning permission ref. 2018/0575/P granted on 15/11/2018.

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 For the purposes of this decision, condition no.3 of planning permission ref. 2018/0575/P granted on 15/11/2018 shall be replaced with the following condition:

### REPLACEMENT CONDITION 3

The development hereby permitted shall be carried out in accordance with the following approved plans:

1702\_SP\_004\_H14, NAG-P150/60, NAG-P150-120, 1702-P-001, 1702-P-099, 1702-P-100\_A, 1702-P-101, 1702-P-102, 1702-P-103, 1702-P-104, 1702-P-105, 1702-P-210, 1702-P-220, 1702-P-230, 1702-P-301, 1702-P-302 rev A, 1702-XP-099-B, 1702-XP-100-A, 1702-XP-101-A, 1702-XP-102-B, 1702-XP-103-B, 1702-XP-104-A, 1702-XP-105-A, 1702-XP-210, 1702-XP-220, 1702-XP-230, 1702-XP-301, 1702-XP-302, EX17\_088\_11\_001

Supporting documents: 1702\_2.5\_200720\_RSK\_52167-01(01) Shaftsbury Theatre BIA dated July 2020, Archaeological Desk-Based Assessment prepared by Wessex Archaeology (ref. 200670.01); Design and Access Statement prepared by Bennetts Associates (dated Dec 2017); Draft Basement Construction Methods Statement Rev A; Draft Construction Management Plan v0.1; External lighting Assessment prepared by e3 consulting engineers dated 21 Feb 18; Noise Impact Assessment Report rev 01 dated 20/12/2017; Planning Statement prepared by Bennetts Associates (dated Feb 2018); Shaftsbury Conservation Report prepared by Theatresearch (dated Nov 2017); Transport Statement prepared by Clewlow Consulting dated June 2018,

Signed Approval in Principle prepared by Michael Jackson consulting- dated 06/04/2020 with:

Appendix A: Drawings: 2714-1004-T1-Ground Bearing RC Slab GA 2714-1005-T1-Ground Bearing Slab GA 2714-1006-T1-Basement Box Roof Slab GA 2714-1007-T-Pavement light Supports GA 2714-1008-T1-Slab and Reinforcement Details 2714-1009-T1-Section X-X, 2714-1010-T1-Section Y-Y 2714-1011-T1- Sheet Pile Capping Beam RC GA 2714-1012-T- Retaining Wall Elevations & Details 2714-1013-T-Typical RC Section Through Basement 2714-1014-T-Basement Box RC Shear Wall & Column GA 2714-1015-T1-High Holborn RC GA and Sections, 2714-1016-T1 -Steps 1&2 to from New Opening in Existing Wall 2714-1017-T1- Steps 3&4 to from New Opening in Existing Wall 2714-1018-T1- Steps 5 to from New Opening in Existing Wall 2714-1019-T1-Section Through Existing Opening 2714-1020-T- Notes, 2714-1040-T-Existing Foundation Underpinning Detail 2714-10050 Trial Pit Locations GA, 2714-1051-T1 Trial Pit Sections and Details

Appendix B: Idealised Structure Sketch 2714-IST-02

Appendix C: Site Investigation Reports, Factual Site Investigation Report 25th Jan 2013 Site Investigation Report 29 January 2018, 650521-SDS-RPT-001.1.INF Source Design Review Form Borehole logs-24/11/2018-01/12/2018-Strata Geotechnics, Signed Temporary Works AIP prepared by Mark Broad of Sir Robert McAlpine Design Group dated 11/03/2020.

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

- 4 The excavation should be in accordance with the agreed written scheme of investigation (WSI) as approved under reference ref. 2020/1320/P dated 13/08/2020, To discharge this condition the following details need to be

submitted and approved by the LPA:

B. programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material in accordance with the programme set out in the agreed WSI

Reason: Important archaeological remains may exist on this site. Accordingly the Local planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development in accordance with the requirements of policy D2 of the London Borough of Camden Local Plan 2017.

- 5 Before the use of the replacement plant equipment commences, the ventilating system/air-conditioning plant at roof level shall be provided with anti-vibration pads. All such measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations.

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 The replacement signage hereby approved shall not include any digital screen.

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.

- 7 Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(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 15dB(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 A1 and A4 of the London Borough of Camden Local Plan 2017.

- 8 The construction of the basement extension hereby permitted shall be carried out in strict accordance with the methodologies, recommendations and requirements of the permanent Approval in Principle report prepared by Michael Jackson consulting-REV D with Appendices A, B and C dated 06/04/2020 hereby approved.

Reason: To safeguard the structural stability of the adjacent public highway in accordance with the requirements of policies A1, A5 and T4 of the London Borough of Camden Local Plan 2017.

- 9 The development shall be carried out in strict accordance with the methodologies, recommendations and requirements of the Basement Impact Assessment Report dated July 2020 (ref. 1702\_2.5\_200720\_RSK\_52167-01(01)); hereby approved and shall ensure a maximum damage category to adjoining properties of no more than Burland Category 1 as described in approved documents.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies D1, D2, A1 and A5 of the London Borough of Camden Local Plan 2017.

- 10 The proposed pavement rooflights shall be built in accordance with the NEW AGE GLASS pavement specification (no. NAG-P150-120) and the specification document (ref. 1702\_SP\_004\_H14) as indicated on the ground floor plan hereby approved.

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.

Informative(s):

- 1 Reason for granting permission-

The application building is located within the Bloomsbury Conservation Area and is Grade II listed.

Condition 5

The variation in condition 5 is due to the construction methodology and structural solution has been updated resulting in amendment to the Basement Impact Assessment Report. The revised basement methods include increased use of underpinning foundations. The applicant is seeking confirmation the outcomes are acceptable and for the document reference to be revised within the condition. The report notes that sheet piles will now be used and will be pushed into the ground to reduce vibration to the existing structure. The revised Basement Impact Assessment (BIA) has assessed the potential impact on land stability and local groundwater conditions arising from the variation to the basement development. Campbell Reith have independently audited the BIA and confirm that the proposed development would not impact the wider hydrological environment. In terms of ground movements the BIA identifies a maximum of Burland Category 1 (Very Slight) impact for neighbouring properties, with negligible movement to highways. Overall Campbell Reith have confirmed that the variation in the approved BIA meets the requirements of CPG Basements.

Condition 11

The reason for variation of condition 11 is that proposed pavement windows have been removed from the front of the new entrance. The removal of these modern fully glazed pavement lights from the scheme would retain more of the existing pavement and is welcomed in heritage terms. The remaining lights are to be sourced from an alternative supplier and have been rationalised so that they are consistent around the building perimeter but still provide the required smoke clearance requirements. The drawings indicate a new double hatch paving light in one area and a paving light specification has been provided showing it to be a concrete inset with small square glazed apertures. The Council's Conservation Officer has reviewed the revised pavement roof lights and has confirmed that the revisions would not result in additional harm to the

listed theatre building. The variation of condition 11 is therefore acceptable.

## Condition 12

The proposal would involve basement excavations directly under the public highway along both Shaftesbury Ave and High Holborn. The 2018 permission required the submission and assessment of the permanent Approval in Principle (AIP) report prior to determination and with a compliance condition to ensure the final proposed structure is sound. The revised permanent and temporary AIP reports were prepared in consultation with the Council's Highways engineers who have now reviewed and accepted the full report. A condition is attached to ensure that the basement construction is completed in full compliance with this revised report.

No objections were received prior to determination of this section 73 application. One support from the Theatre Trust was received prior to determination. The planning history of the site has been taken into account.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area and the special interest of the listed building, under s.72 and s.66 of the planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

All of the above amendments are considered minor material amendments to the original application that would not result in any physical changes to the building.

As such, the proposed development is in general accordance with policies A1, D1, A5, A4, T4 and D2 of the Camden Local Plan 2017. The proposed development also accords with The London Plan March 2016, and the National Planning Policy Framework 2019.

- 2 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).
- 3 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.

- 4 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.

- 5 Thames Water:

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Waste:

If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk).

- 6 It should be noted that the works proposed may result in requirements for additional approvals/variations to the entertainment license for the premise. The applicant is advised that a licencing application should be made in respect of the entertainment license before the alterations take place, to ensure that the alterations comply with the recommendations contained in the 'Technical Standards for Places of Entertainment' (2015).

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 2021.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

Yours faithfully



Daniel Pope

Chief Planning Officer