

<b>Address:</b>	151 Shaftesbury Avenue London WC2H 8AL		<b>6</b>
<b>Application Number(s):</b>	2024/2450/P	<b>Officer:</b> Laura Dorbeck	
<b>Ward:</b>	Holborn and Covent Garden		
<b>Date Received:</b>	14/06/2024		
<b>Proposal:</b>	<p>Refurbishment of existing building; demolition of existing rooftop plant level and replacement with two new setback floors at levels 8-9 (Class E(g)(i)); partial infill extensions to rear of building at levels 5-8; partial change of use at ground and lower ground floor level for use as either bar/drinking establishment (Sui Generis) and/or Commercial, Business &amp; Service uses (Class E); retention of existing Commercial, Business &amp; Service (Class E) floorspace elsewhere in the building; replacement of existing facades and provision of cycle parking and associated end of trip facilities at lower ground floor level.</p>		
<b>Background Papers, Supporting Documents and Drawing Numbers:</b>			
<p>Existing Drawings:  1232_PL-EX-S-01 P1, 1232_PL-EX-S-02 P1, 1232_PL-EX-B1 P1, 1232_PL-EX-LG P1, 1232_PL-EX-00 P1, 1232_PL-EX-01 P1, 1232_PL-EX-02 P1, 1232_PL-EX-03 P1, 1232_PL-EX-04 P1, 1232_PL-EX-05 P1, 1232_PL-EX-06 P1, 1232_PL-EX-07 P1, 1232_PL-EX-RF P1, 1232_PL-EE-01 P1, 1232_PL-EE-02 P1, 1232_PL-EE-03 P1, 1232_PL-ES-01 P1, 1232_PL-ES-01 P1.</p>			
<p>Demolition Drawings:  2793-HTS-XX-B2-DR-S-2080 P3, 2793-HTS-XX-B1-DR-S-2090 P3, 2793-HTS-XX-00-DR-S-2100 P3, 2793-HTS-XX-01-DR-S-2110 P3, 2793-HTS-XX-02-DR-S-2120 P3, 2793-HTS-XX-03-DR-S-2130 P3, 2793-HTS-XX-04-DR-S-2140 P3, 2793-HTS-XX-05-DR-S-2150 P3, 2793-HTS-XX-06-DR-S-2160 P3, 2793-HTS-XX-07-DR-S-2170 P3, 2793-HTS-XX-RF-DR-S-2180 P3, 2793-HTS-XX-XX-DR-S-2010 P3, 2793-HTS-XX-XX-DR-S-2011 P3, 2793-HTS-XX-XX-DR-S-2012 P3, 2793-HTS-XX-XX-DR-S-2015 P3, 2793-HTS-XX-XX-DR-S-2016 P3, 2793-HTS-XX-XX-DR-S-2500 P3, 2793-HTS-XX-XX-DR-S-2501 P3, 2793-HTS-XX-XX-DR-S-2502 P3.</p>			
<p>Proposed Drawings:  1232_PL-A-S-01 P1, 1232_PL-GA-B1 P1, 1232_PL-GA-LG P1, 1232_PL-GA-LG P1, 1232_PL-GA-01 P1, 1232_PL-GA-02 P1, 1232_PL-GA-03 P1, 1232_PL-GA-04 P1, 1232_PL-GA-05 P1, 1232_PL-GA-06 P1, 1232_PL-GA-07 P1, 1232_PL-GA-08 P1, 1232_PL-GA-09 P1, 1232_PL-GA-RF P1, 1232_PL-GE-01 P1, 1232_PL-GE-02 P1, 1232_PL-GE-03 P1, 1232_PL-GS-01 P1, 1232_PL-GS-02 P1, 1232_PL-GS-03 P1, 1232_PL-GS-04 P1.</p>			
<p>Documents:  Cover letter by DP9 dated 03/06/2024, Planning statement by DP9 dated May 2024, Design and Access Statement by Buckley Gray Yeoman dated May 2024, Heritage, Townscape and Visual Impact Assessment by The Townscape Consultancy dated May 2024, Noise Impact Assessment by Hilson Moran ref. 32099-HML-XX-XX-RP-O-500001 dated 30/05/2024 Issue P01, Air Quality Assessment by Hilson Moran ref. 32099-HML-XX-XX-RP-O-500001 dated 30/05/2024 issue P01, Daylight and Sunlight Effects Report by Delva Patman Redler dated</p>			

May 2024, Delivery and Servicing Management Plan by Hilson Moran ref. 32099-HML-XX-XX-RP-U-780003 dated 30/05/2024 issue P01, Energy Statement by Hilson Moran ref. 32099-HML-XX-XX-RP-V-790004 dated 03/05/2024 issue P01, Sustainability Statement by Max Fordham issue A6 dated 29/05/2024, Whole Life Carbon and Circular Economy Statement by Max Fordham issue A6 dated 29/05/2024, Transport and Travel Plan Statement by Hilson Moran ref. 32099-HML-XX-XX-RP-U-780001 dated 30/05/2024 issue P01, Flood Risk Assessment and SuDS Strategy by Heyne Tillett Steel rev 03 dated May 2024, Fire Statement Report by Jensen Hughes ref. GL8282/R1 Issue 1, Statement of Community Involvement by Kanda dated May 2024, Ecological Appraisal by Hilson Moran ref. 32099-HML-XX-XX-RP-U-880001 dated 30/05/2024 issue P01.

**RECOMMENDATION SUMMARY:**

**Grant conditional planning permission subject to a Section 106 Legal Agreement**

<b>Applicant:</b>	<b>Agent:</b>
Royal London Mutual Insurance Society Limited C/O Agent	DP9 Limited 100 Pall Mall London SW1Y 5NQ United Kingdom

**ANALYSIS INFORMATION**

Land use floorspaces				
Use Class	Description	Existing GIA (sqm)	Proposed GIA (sqm)	Difference GIA (sqm)
E	Office	6,563	7,214	651
C3	Dwellings (flats)	531	531	0
E	Class E / Sui Generis	0	309	309
E	Retail	197	0	0
<b>Total</b>	<b>All uses</b>	<b>7,291</b>	<b>8,054</b>	<b>+763</b>

Parking details				
Type	Existing spaces	Proposed long stay	Proposed short stay	Difference
Car parking	7	0	0	-7
Cycle parking (non-residential)	0	137	0	+137

## EXECUTIVE SUMMARY

- i) The application site is a nine storey building located on the corner of Shaftesbury Avenue, St Giles Passage and New Compton Street. The existing building received planning permission in 1996 and is finished in red pre-cast concrete panels and a large amount of green-tinted glazing. The site is not listed nor located within a Conservation Area, but it sits next door to the Grade II listed Former Saville Theatre, and in between the Seven Dials (Covent Garden) and Denmark Street Conservation Areas.
- ii) It is a mixed-use building containing offices, retail and five residential flats. The majority of the building comprises office floorspace located at ground to eighth floor level, with a vacant retail unit at ground floor. The proposals are for the refurbishment and extension of the existing building, involving the remodelling of the existing upper floors at levels 5 to 8, the erection of an additional storey at level 9, introduction of more active frontages to all elevations at ground level, creation of new external terraces at levels 7 and 8, and replacement and redesign of external facades. The existing residential units will not be affected. The new floorspace would largely provide additional and improved office floor space, although a new bar/drinking establishment (Sui Generis) and Commercial, Business & Service uses (Class E) are proposed at ground floor.
- iii) With an uplift of 763sqm, the development is required to provide on-site residential housing by policy H2. The development would not provide any housing as it would be unfeasible due to the structural, fire safety and viability implications of doing so. Policy H2 includes a provision for a payment in lieu (PIL) when self-contained housing is required but is not provided onsite or in the local area. In this case, the policy target is £572,250.00 which the applicant has agreed to pay in full. This shall be secured by S106 legal agreement.
- iv) The proposals would see the re-design and extension of the existing building which is considered to contribute little to the streetscene or townscape. The proposed redevelopment would be of an appropriate scale and height and is considered to provide a high standard of design and finish. Although the new massing would be more visible from the setting of surrounding listed buildings and conservation areas, it is not considered to cause harm to their setting or significance. The proposals would ensure the building has a better relationship to the three surrounding streets, with increased ground floor activation which will positively affect the character of and provide increased surveillance to these streets which suffer with anti-social behaviour and criminal activity.
- v) The proposed increase in height and massing would result in a noticeable reduction in the daylight and sunlight levels to the closest neighbouring residential building at Pendrell House, predominately at ground and first floor level. On balance, these impacts are considered acceptable given the building is located within a dense urban environment characterised by a tight grain and short distances between neighbouring buildings, combined with the fact that many of the impacted rooms do not meet BRE recommended values in the existing situation due to the presence of projecting balconies and deep window reveals. In these situations where there are existing low values, any change to the existing daylight/sunlight values can result in disproportionately large impacts on the

proposed values when in reality the changes would not be perceived as being significant. Given this, the potential impacts to daylight and/or sunlight are not considered to be so great as to cause significant harm to the amenity of the residents within this building. Other impacts on neighbouring amenity arising from the new commercial uses at ground floor and the new terraces are proposed to be mitigated with controls on hours, use and access/egress which shall be secured by condition.

- vi) The development would not result in harm to the local transport network or infrastructure subject to the recommended conditions and S106 obligations and the development would also provide a sustainable development which meets local and regional energy and sustainability policies. The applicant has committed to providing 9 construction apprentices and an associated £15,300 support fee which would also be secured by S106 legal agreement.
- vii) As such, the scheme complies with the development plan as a whole and it is recommended that planning permission is granted.

## OFFICER REPORT

### Reason for Referral to Committee:

Minor development where this involves the construction of upwards of 500 sq. mtrs of non-residential floorspace (Clause 3(ii)).

## 1. SITE AND BACKGROUND

### *Designations*

- 1.1 The following are the most relevant designations or constraints:

Designation	Details
Central London Area	
Business Improvement District	
Archaeological Priority Area	Tier I
Article 4 Land Use	Commercial, business and service use (Class E) to residential use (Class C3)
PTAL (Public transport accessibility)	6b (highest)
Underground development constraints and considerations	- Subterranean (groundwater) flow - Slope stability - Crossrail Area (Crossrail 1)
CMP Priority Area	South of Euston Road

*Table 1 - Site designations and constraints*

### *Description*

- 1.2 The site is a nine storey building (ground + eight floors) on the north side of Shaftesbury Avenue covering an area of approximately 824sqm. It is a mixed-use building containing offices, retail and five private residential flats (19 New Compton Street) to the northern corner of the building. The majority of the building comprises office floorspace located at ground to eighth floor level, with a vacant retail unit (former Pure café) fronting Shaftesbury Avenue. The existing building has a sloped and set back rear elevation at fifth to eighth floor level facing New Compton Street, with an external terrace, adjoining meeting room and plant area at eighth floor level. An existing vehicle lift provides access to the basement from New Compton Street.
- 1.3 The main entrance to the building is located on Shaftesbury Avenue. The rear of the building facing New Compton Street is much quieter, with service entrances, cycle store and car parking entrances and a separate entrance for the five residential units. The existing open space of The Phoenix Garden

and St Giles in the Fields are located to the rear of the Site and are accessed via entrances from St Giles Passage and New Compton Street.



*Figure 1 – The existing site*

- 1.4 The site is 0.2 miles from Tottenham Court Road, Leicester Square and Covent Garden Underground stations, with a PTAL rating of 6b, (the highest achievable). The site is located centrally in London's West End, with St Giles Street to the north, Soho to the west, Leicester Square and Covent Garden to the south and Holborn to the east.
- 1.5 The application site is not listed nor located within a conservation area, but the neighbouring building at 135-149 Shaftesbury Avenue (the former Odeon) is grade II listed. The site is also sandwiched between the Seven Dials Conservation Area (covering the southern side of Shaftesbury Avenue) and the Denmark Street Conservation Area (covering the northern side of New Compton Street).
- 1.6 The existing building bookends the block with 189 Shaftesbury Avenue, known as Endeavour House, bookending the opposite end at 10 storeys high. Between them, no. 175 sits slightly lower at seven storeys. To the south, the Grade II listed former Saville Theatre drops to five/six storeys, before the much larger building at 125 Shaftesbury Avenue rises to 11 storeys.
- 1.7 The site is located within the heart of London's theatre district, surrounded by a number of world-famous theatres including the Phoenix Theatre, Palace Theatre, The Ambassadors Theatre and the Cambridge Theatre. The surrounding area is characterised by a mixture of office, retail, residential and entertainment uses.

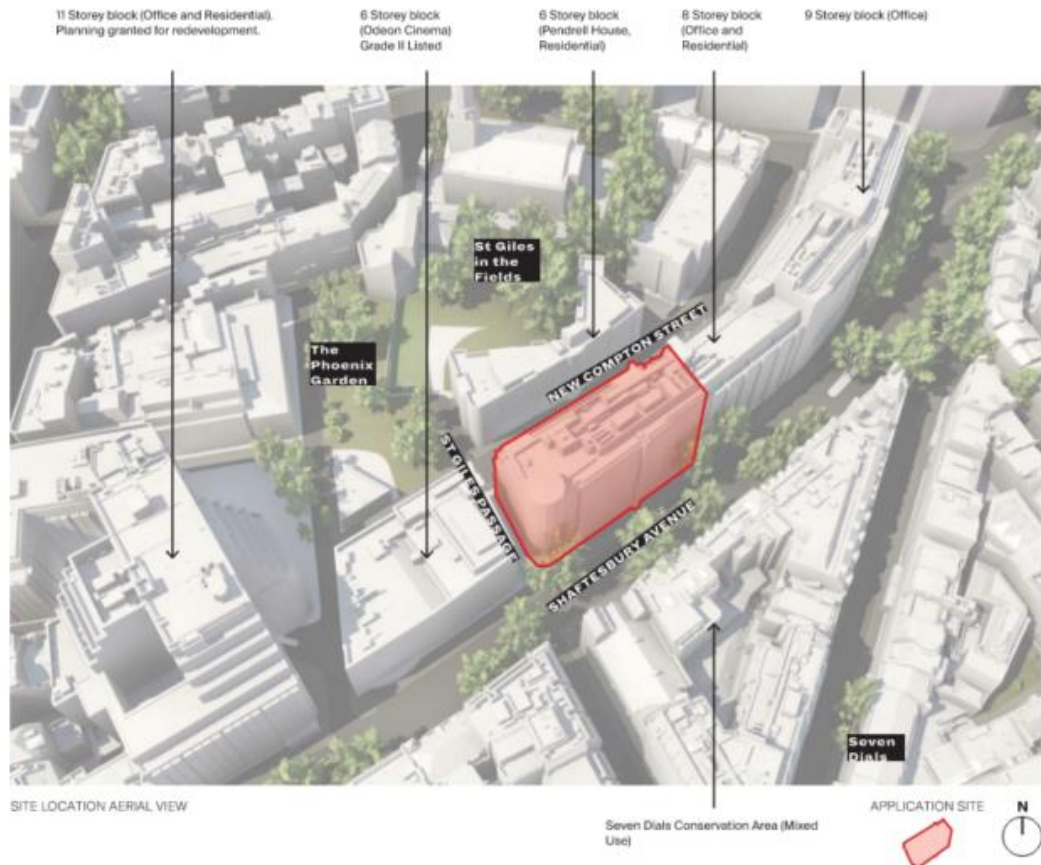


Figure 2 – Aerial view showing neighbouring building heights

## 2. THE PROPOSAL

2.1 The proposal is for the following works:

- Demolition of existing rooftop plant level and erection of two new setback floors at levels 8 and 9 for office use (Class E(g)(i)).
- Partial infill extensions to the rear of the building at levels 5 to 8.
- Refurbishment of the building to include fire safety improvements, sustainability improvements with new efficient MEP services and PV panels.
- Partial change of use at ground and lower ground floor level for use as either bar/drinking establishment (Sui Generis) and/or Commercial, Business & Service uses (Class E).
- Retention of existing Commercial, Business & Service (Class E) floorspace elsewhere in the building.
- Replacement of existing façades.
- Provision of roof terraces at levels 8 and 9 and biodiverse green roof at roof level.
- Provision of cycle parking and associated end of trip facilities at lower ground floor level.

### 3. RELEVANT HISTORY

#### *The site*

- 3.1 **9501817R4** - Demolition of existing building and the development of the site by an 8 storey plus basement building for use as offices, 5 residential units and rehearsal room. **Granted 4 September 1996.**
- 3.2 **2004/2262/P** - Change of use of ground floor from office use (Class B1) and basement area from rehearsal room (Sui Generis) to create a retail unit (Class A1), including alterations to ground floor elevations. **Granted 24 September 2004.**
- 3.3 **2004/4636/P** - The change of use of part of the basement level from rehearsal room (sui generis) to business (Class B1). **Granted 21 January 2005.**
- 3.4 **2007/3972/P** - Change of use of part of basement and ground floors from office (Class B1) to A2 and alterations to existing entrance doors. **Granted 21 September 2007.**
- 3.5 **2012/4187/P** - Change of use of part of the ground and lower ground floor from a bank (Class A2) to allow either Class A1 (Retail), A2 (Professional and professional services) or B1 (Business - office) Use. **Granted 12 September 2012.**

#### *The area*

##### 135-149 Shaftesbury Avenue

- 3.6 **2017/7051/P & 2018/0037/L** – The comprehensive refurbishment of the existing Grade II listed building and the provision of a new two storey roof extension and new basement level, providing a new four-screen cinema (Class D2) and spa (sui generis) at basement levels, a restaurant/bar (Class A3/A4) at ground floor level, a 94-bed hotel (Class C1) at part ground and first to sixth floors and associated terrace and bar (Class A4) at roof level, together with associated public realm and highways improvements. **Refused 05/07/2019 and appeal dismissed 10/03/2021.**
- 3.7 **2024/0993/P & 2024/1005/L** - Part demolition, restoration and refurbishment of the existing Grade II listed building, roof extension, and excavation of basement space, to provide a theatre at lower levels, with ancillary restaurant / bar space (Sui Generis) at ground floor level; and hotel (Class C1) at upper levels; provision of ancillary cycle parking, servicing and rooftop plant, and other associated works. Under determination.



125 Shaftesbury Avenue

- 3.8 **2016/5202/P** - Permission granted on 22/05/2018 for “Remodelling, refurbishment and extension of existing office building (Class B1) at upper floor levels, roof level and within lightwells to provide 9,682sqm additional floorspace, including terraces, a new public route, a relocated office entrance (Charing Cross Road), rooftop plant and flexible retail uses (Classes A1/A3), along with associated highway, landscaping and public realm improvements”. This permission was not implemented and has now expired.
- 3.9 **2024/5408/P** – Remodelling, refurbishment and extension of the existing building to provide Use Class E commercial and retail space, amenity terraces, a new public route, relocated entrances, cycle parking, servicing and rooftop plant along with associated highway, landscaping and public realm improvements and other associated works. The application is pending, it is still being assessed by officers.

#### **4. CONSULTATION**

***Statutory consultees***

City of Westminster

- 4.1 No response.

***Local groups***

Denmark Street CAAC

- 4.2 No response

Seven Dials (Covent Garden) CAAC

- 4.3 No response

Covent Garden Community Association (CGCA)

- 4.4 Objection covering the following issue(s):
1. Building-out the currently sloping, set-back 5th-7th floors, bringing them far closer to family flats and leading to overlooking and loss of privacy.
  2. Roof extension of 2 extra floors will add disproportionate height and overlook and overshadow family flats.
  3. Creation of three large roof terraces including two at the back will cause noise nuisance and overlook residential units. These floors, if given Class E use, could become restaurants with vast outside eating and drinking spaces and so cause even more noise and overlooking.
  4. Creation of a large bar at ground and basement level with opening windows onto St. Giles Passage and multiple daily servicing trips via a

recessed doorway opposite family homes would severely affect those living nearby.

5. Creation of a Class E unit on New Compton Street, opposite family homes.
6. New Compton Street is narrow with high buildings on either side and sound echoes. The street has suffered from excessive numbers of servicing trips and vehicle movements at times, causing noise, pollution and congestion; this will increase with any changes to more intensive uses at this site and at the Odeon site.
7. There is no loading bay to the rear of the building as claimed in the DAS, and there is no space on New Compton Street for a van to stop and let other vehicles pass.
8. Question the accuracy of the proposed delivery & servicing management plan and whether proposed vehicle movements are achievable.
9. Mitigations suggested:
  - a. Condition hours of use of terraces so they are not used outside of the hours of 08:00 and 20:00 Monday to Friday, and fencing of terraces to eye level.
  - b. Condition hours of use of class E/bar use on western side to the hours of 08:00 to 23:00.
  - c. Condition hours of use of class E unit on NCS side to the hours of 08:00 to 21:00 Monday-Friday, 09:00-21:00 Saturday and 10:00-21:00 Sunday and be restricted to uses other than Class E(b) restaurant.
  - d. Remove full height windows on St Giles Passage or make them non-openable, requiring access and egress from Shaftesbury Avenue.
  - e. Deliveries to be made at the front of the building or via a new internal vehicle unloading dock at the rear only between the hours of 08:00-20:00 on weekdays and 09:00-20:00 on Saturdays.
  - f. Any refuse collections from the rear of the building to take place only between the hours of 08:00-20:00.
  - g. Any recessed doorways to be redesigned as flush.

*Officer response:*

1. Although the massing would be increased at fifth to eighth floor level where the existing floors feature an angled rear elevation, the increase in floor area is relatively minor and these floors would still be stepped back from the rear elevation. These floors would not project any further than the existing building across ground to fourth floor level and therefore any impacts on overlooking or privacy would not be materially different from the existing situation. Please refer to section 9, paragraph 9.41 for a full assessment of impact on neighbouring privacy and overlooking.
2. The proposed extensions are considered to be subordinate to the host building and wider streetscene, and although there would be some

impacts on daylight/sunlight to neighbouring Pendrell House, these are considered to be acceptable given the existing light levels and the site context. Please refer to section 8 for a full assessment of the proposed design and section 9 paragraph 9.3 for an assessment of daylight/sunlight impacts on neighbouring residential buildings.

3. The proposed roof terraces would not be excessively large, and their use (to not be linked to any restaurant use) and hours of occupation are proposed to be controlled by condition. Please refer to section 9, paragraph 9.54 for a full assessment of the amenity impacts of the proposed terraces, and a description of the proposed controls to ensure there are no harmful impacts or unreasonable noise disturbance.
4. This is considered an acceptable location for a bar / drinking establishment given it fronts on to Shaftesbury Avenue and is within the Central London Area, but it is proposed to control hours of occupation and access/egress by condition given the proximity to the residential flats on New Compton Street. Please refer to section 9, paragraph 9.51 for a full assessment of the proposed bar use and how it will be controlled to ensure it does not harm neighbouring amenity. Deliveries and servicing are discussed in paragraph 13.35.
5. The Class E unit fronting New Compton Street is assessed and proposed controls discussed in paragraph 9.52.
6. A detailed delivery and servicing plan (DSP) would be secured by legal agreement if planning permission were granted. This will help to ensure that any operational impacts associated with delivery and servicing movements will be mitigated. The applicant will need to submit this for approval before the site becomes operational. See paragraph 13.35 for full assessment.
7. See response to (6) above.
8. See response to (6) above.
9. A number of the proposed mitigations suggested by the CGCA have been accepted, including suggested hours of use, controls on Class E uses, and controls on windows fronting New Compton Street. Please refer to section 9 for full assessment.

### ***Adjoining occupiers***

- 4.5 Multiple site notices were displayed near to the site on Shaftesbury Avenue, New Compton Street and St Giles Passage on the 04/07/2024 (consultation end date 28/07/2024).
- 4.6 Objections were received from 5 neighbouring residents from 45 New Compton Street and Pendrell House, 15 New Compton Street. An objection was also received from the Lindsay House Residents' Association at 30 New Compton Street on behalf of 14 apartments. The key issues raised are:

### Amenity impacts

1. Concerns that the development (especially the bar/drinking on the ground and lower ground floors) may require night-time delivery and rubbish collection services which will lead to significant sleep issues increasing risk of dementia and reduce life expectancy, according to sleep research.
2. The proposed bar area on the ground floor will disturb the peace and quiet of existing residents. Shouldn't be located on a residential street.
3. New commercial retail in a residential street is not appropriate.
4. The additional floors and reduction in set-back of the floors would result in harmful loss of light and overshadowing of neighbouring residences.
5. The proposal would impact quality of life of neighbours. Existing antisocial behaviour issues would be made worse with intoxicated people leaving the bar.
6. Noise from the commercial operation of the proposed bar will be harmful.
7. Seven deliveries a day will cause noise and disruption.
8. New Compton Street is a residential street and doesn't need to be re-activated as suggested.
9. It is not clear how the proposed terraces will impact residents or who will be using them. Could cause overlooking of neighbours.

### *Officer response:*

1. A detailed delivery and servicing plan (DSP) would be secured by legal agreement if planning permission were granted. This will help to ensure that any operational impacts associated with delivery and servicing movements will be mitigated. The applicant will need to submit this for approval before the site becomes operational. See paragraph 13.35 for full assessment.
2. This is considered an acceptable location for a bar / drinking establishment given it fronts on to Shaftesbury Avenue and is within the Central London Area, but it is proposed to control hours of occupation and access/egress by condition given the proximity to the residential flats on New Compton Street. Please refer to section 9, paragraph 9.51 for a full assessment of the proposed bar use and how it will be controlled to ensure it does not harm neighbouring amenity. Deliveries and servicing are discussed in paragraph 13.35.
3. The use of this unit is proposed to be restricted by condition so that it cannot be used for restaurant use or light industrial use. Likewise, it's hours of use are proposed to be conditioned in accordance with the hours suggested by the CGCA. Please see paragraph 9.52 for full assessment and proposed controls .
4. Although there would be some impacts on daylight/sunlight to neighbouring Pendrell House, these are considered to be acceptable given the existing light levels and the site context. Please refer to section 9 paragraph 9.3 for an assessment of daylight/sunlight impacts on neighbouring residential buildings.

5. Increased activation onto New Compton Street will likely help to reduce existing antisocial behaviour on this street which benefits from a number of recessed doorways and lack of overlooking and activation. To ensure the new uses do not cause noise and disturbance, a number of conditions are proposed to control their hours of use, access and egress and prevent opening windows within the bar onto New Compton Street.
6. Potential noise disturbance from the new proposed uses and proposed controls to mitigate this is discussed in paragraphs 9.51 to 9.53.
7. See response to (1) above.
8. There will be one small commercial unit which will front onto New Compton Street, the use of which will be heavily controlled to mitigate impacts on neighbouring amenity, while also providing a level of activation onto this street which suffers from antisocial behaviour.
9. The proposed roof terraces would not be excessively large, and their use (to not be linked to any restaurant use) and hours of occupation are proposed to be controlled by condition. Please refer to section 9, paragraph 9.54 for an assessment of the amenity impacts of the proposed terraces, and how the use of these will be controlled to ensure there are no harmful impacts or unreasonable noise disturbance.

#### Design

1. The design of the proposal is not respectful of the "local context and character" of the area. The additional floors create a much higher presence of the surrounding buildings.
2. The design of the proposal does not integrate well with the surrounding streets and open spaces, nor does it "preserve strategic and local views". The neighbouring buildings are overshadowed.

#### *Officer response:*

1. The proposed extensions are considered to be sympathetic and subordinate to the host building and wider streetscene, and the proposed architectural treatment and materials would be an improvement on the existing. Please refer to section 8 for full assessment of the proposed design and impact on heritage assets.

#### Construction impacts

3. The noise, dust and dirt will be absolutely intolerable for all residents living in New Compton Street and Stacey Street during the construction of the proposal.
4. Concern about damage to neighbouring homes during construction.

#### *Officer response:*

1. Planning permission would be granted subject to a S106 legal agreement securing a Construction Management Plan to ensure that the

development minimises impacts from the movement of goods and materials during the construction process (including any demolition works). Please refer to paragraph 13.27 for further information.

### Transport

5. What are proposed rules re: cyclists? We have many problems with all road users not appreciating residential use.

#### *Officer response:*

1. Staff who cycle to the site will access the building via a cycle entrance to the rear of the building which provides access to a new basement cycle store (discussed in full in paragraph 13.17). Use of the surrounding streets by the general public, whether cyclists or vehicles, cannot be controlled through this development as they are public highways.

### Other issues

6. The leafleting and public consultation events were not sufficient. The applicants have not engaged properly or effectively with the residential community.
7. Property prices will be affected.

#### *Officer response:*

1. A statement of community involvement was submitted with the application which outlines the community consultation undertaken by the applicant. This included public engagement activities to present the proposed scheme to local residents and stakeholders from November to December 2023 prior to the submission of the application. The public consultation included flyers sent to 640 local residents and businesses, a pop-up session on 7<sup>th</sup> December 2023 with exhibition boards and CGIs and the launch of a dedicated project website on 6<sup>th</sup> December 2023. These measures are considered sufficient.
2. Property prices are not a material consideration and therefore cannot be considered as part of the current application.

## **5. POLICY**

### ***National and regional policy and guidance***

[National Planning Policy Framework 2024 \(NPPF\)](#)

[National Planning Practice Guidance \(NPPG\)](#)

[Written Ministerial Statement on First Homes \(May 2021\)](#)

[London Plan 2021 \(LP\)](#)

[GG1 Building strong and inclusive communities](#)

[GG2 Making the best use of land](#)

[GG3 Creating a healthy city](#)  
[GG4 Delivering the homes Londoners need](#)  
[GG5 Growing a good economy](#)  
[GG6 Increasing efficiency and resilience](#)  
[SD1 Opportunity Areas](#)  
[SD4 The Central Activities Zone \(CAZ\)](#)  
[SD5 Offices, other strategic functions and residential development in the CAZ](#)  
[SD6 Town centres and high streets](#)  
[SD8 Town centre network](#)  
[D1 London's form, character and capacity for growth](#)  
[D3 Optimising site capacity through the design-led approach](#)  
[D4 Delivering good design](#)  
[D5 Inclusive design](#)  
[D9 Tall buildings](#)  
[D11 Safety, security and resilience to emergency](#)  
[D12 Fire safety](#)  
[D13 Agent of Change](#)  
[D14 Noise](#)  
[H1 Increasing housing supply](#)  
[E1 Offices](#)  
[E2 Providing suitable business space](#)  
[E3 Affordable workspace](#)  
[E9 Retail, markets and hot food takeaways](#)  
[HC1 Heritage conservation and growth](#)  
[HC6 Supporting the night-time economy](#)  
[G5 Urban greening](#)  
[G6 Biodiversity and access to nature](#)  
[SI 1 Improving air quality](#)  
[SI 2 Minimising greenhouse gas emissions](#)  
[SI 3 Energy infrastructure](#)  
[SI 4 Managing heat risk](#)  
[SI 5 Water infrastructure](#)  
[SI 7 Reducing waste and supporting the circular economy](#)  
[SI 12 Flood risk management](#)  
[SI 13 Sustainable drainage](#)  
[T1 Strategic approach to transport](#)  
[T2 Healthy Streets](#)  
[T3 Transport capacity, connectivity and safeguarding](#)  
[T4 Assessing and mitigating transport impacts](#)  
[T5 Cycling](#)  
[T6 Car parking](#)  
[T7 Deliveries, servicing and construction](#)  
[T9 Funding transport infrastructure through planning](#)  
[DF1 Delivery of the Plan and Planning Obligations](#)  
[M1 Monitoring](#)

## ***Local policy and guidance***

### Camden Local Plan (2017) (CLP)

[Policy G1 Delivery and location of growth](#)

[Policy H2 Maximising the supply of self-contained housing from mixed-use schemes](#)

[Policy H3 Protecting existing homes](#)

[Policy H4 Maximising the supply of affordable housing](#)

[Policy C5 Safety and security](#)

[Policy C6 Access for all](#)

[Policy E1 Economic development](#)

[Policy E2 Employment premises and sites](#)

[Policy A1 Managing the impact of development](#)

[Policy A2 Open space](#)

[Policy A3 Biodiversity](#)

[Policy A4 Noise and vibration](#)

[Policy D1 Design](#)

[Policy D2 Heritage](#)

[Policy CC1 Climate change mitigation](#)

[Policy CC2 Adapting to climate change](#)

[Policy CC3 Water and flooding](#)

[Policy CC4 Air quality](#)

[Policy CC5 Waste](#)

[Policy TC1 Quantity and location of retail development](#)

[Policy TC2 Camden's centres and other shopping areas](#)

[Policy TC4 Town centre uses](#)

[Policy T1 Prioritising walking, cycling and public transport](#)

[Policy T2 Parking and car-free development](#)

[Policy T3 Transport infrastructure](#)

[Policy T4 Sustainable movement of goods and materials](#)

[Policy DM1 Delivery and monitoring](#)

### Supplementary Planning Documents and Guidance

*Most relevant Camden Planning Guidance (CPGs):*

[Access for All CPG - March 2019](#)

[Air Quality - January 2021](#)

[Amenity - January 2021](#)

[Biodiversity CPG - March 2018](#)

[Design - January 2021](#)

[Developer Contribution CPG - March 2019](#)

[Employment sites and business premises - January 2021](#)

[Energy efficiency and adaptation - January 2021](#)

[Public open space - January 2021](#)

[Town centres and retail - January 2021](#)

[Transport - January 2021](#)

[Water and flooding CPG - March 2019](#)



*Other guidance:*

[Planning Statement - Intermediate Housing Strategy and First Homes \(2022\)](#)

### Draft Camden Local Plan

The council has published a new [Draft Camden Local Plan](#) (incorporating Site Allocations) for consultation (DCLP). The consultation closed on 13 March 2024. The DCLP is a material consideration in the determination of planning applications but has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

## **6. ASSESSMENT**

- 6.1 The principal considerations material to the determination of this application are considered in the following sections of this report:

<b>7</b>	<b>Land use principles</b>
<b>8</b>	<b>Design and Heritage</b>
<b>9</b>	<b>Impact on neighbouring amenity</b>
<b>10</b>	<b>Energy and Sustainability</b>
<b>11</b>	<b>Air Quality</b>
<b>12</b>	<b>Flood risk and Drainage</b>
<b>13</b>	<b>Transport</b>
<b>14</b>	<b>Refuse and Recycling</b>
<b>15</b>	<b>Trees, Greening and Biodiversity</b>
<b>16</b>	<b>Employment and training opportunities</b>
<b>17</b>	<b>Community Infrastructure Levy (CIL)</b>
<b>18</b>	<b>Planning obligations</b>
<b>19</b>	<b>Conclusion</b>
<b>20</b>	<b>Recommendations</b>
<b>21</b>	<b>Legal comments</b>
<b>22</b>	<b>Conditions</b>
<b>2</b>	<b>Informatives</b>

## 7. LAND USE PRINCIPLES

### *Principle of development*

- 7.1 Policy G1 of the Local Plan sets out how the Council will create conditions for growth to deliver homes, jobs and infrastructure by supporting development that makes the best use of the site, and by providing a mix of uses in accessible parts of the borough to deliver 16,800 new homes, 695,000sqm of new office floorspace and 30,000sqm of new retail floorspace by 2031. The Council anticipate the most significant growth to be delivered across the whole Borough, with Central London playing a key role in facilitating that growth.
- 7.2 London Plan Policy GG2(C) sets out that development should proactively explore the potential to intensify the use of land to support additional workspaces, promoting higher density development, particularly in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling. London Plan Policy GG2(D) highlights that proposals should use a design-led approach to determine the optimum development capacity of sites.
- 7.3 London Plan Policy D3 also requires all development to make the best use of land by following a design-led approach that optimises the capacity of sites. Policy E1 echoes this and makes specific reference to improvements to the quality, flexibility and adaptability of office space. Policy E1 sets out that proposals should be supported by new office provision, refurbishment and mixed-use development.
- 7.4 The existing site comprises 6,563sqm of office (Class E) floorspace. The proposed development would result in an increase of 651sqm to provide 7,214sqm of new, refurbished office floorspace. The existing 197sqm of Class E retail space would be replaced with 309sqm of bar/drinking establishment (Sui Generis) and Commercial, Business & Service uses (Class E). The existing 531sqm of residential floorspace would be retained and would not be impacted. No new residential floorspace would be provided within the building due to physical, technical and viability constraints which are accepted and discussed in more detail below. The applicant has agreed to make a policy compliant contribution of £572,250.00 in lieu of on-site housing (see paragraph 7.17 for full workings), and as such, the proposals are considered to comply with policy H2 in this regard.
- 7.5 Overall, the proposed improvement and refurbishment of the existing building and the intensification of business use at this site within the Central London Area would help meet the aspirations of both local and regional policy to intensify the employment function of the Central London Area.

### ***Proposed office use***

- 7.6 The proposed development would deliver an increase of 651sqm of office floorspace. The site is located within the Tottenham Court Road Opportunity Area and the Central London Area's Central Activities Zone, which the London Plan identifies as the Country's most important strategic office location.
- 7.7 Policy E1 of the Local Plan supports the provision of a range of business and employment floorspace including the intensification of existing employment sites, and seeks to direct new office development to the growth areas, Central London, and town centres to meet expected demand. Policy E2 of the Local Plan reiterates that the sites which are suitable for business use will be protected and the intensification of employment uses will be supported provided they are maintained or increased. Policy E2 goes on to state that where premises or sites are suitable for continued business use, the Council will consider higher intensity redevelopment schemes which improve functional efficiency, maintain or, preferably, increase the amount of employment floorspace and number of jobs. Redevelopment should retain as far as possible existing businesses that desire to remain on the site and the re-provided employment floorspace on the proposal site should be designed flexibly to be able to accommodate a range of business types and sizes, in particular small and medium-sized enterprises (SMEs) and businesses in growth sectors such as the creative industries.
- 7.8 The proposals involve the intensification and improvement of the existing employment use with the refurbishment and extension of the existing building to provide high quality, flexible and adaptable office floorspace which would be able to cater for future changes in demand. The existing office floorspace is currently vacant, and as such, there would be no impact on existing businesses or occupiers.
- 7.9 The Employment Sites and Business Premises CPG sets out how the Council will seek to use planning obligations to secure an element of affordable SME workspace from large scale employment developments with an uplift in floorspace of 1,000sqm (GIA or gross internal area) or more. As the employment floorspace uplift is below 1,000sqm, this requirement is not triggered; however, the proposed office accommodation has been designed to be fully flexible to cater for future changes in office or commercial demand for a range of different tenants.
- 7.10 Given the location of the site within the Tottenham Court Road Opportunity Area and the Central Activities Zone, the uplift and improvement of the existing employment floorspace is considered appropriate development in this location which would contribute towards a successful and inclusive economy in accordance with both local and national policies, including

policies G1, E1 and E2 of the Local Plan, and London Plan policies GG1, GG2, E1 and SD4.

***Mixed use policy and residential accommodation***

- 7.11 Policy H2 promotes a mix of uses in new developments, including a contribution to the supply of housing. In the Central London Area, where development involves additional floorspace of more than 200sqm (GIA), the Council requires 50% of the additional floorspace to be provided as self-contained housing. This is required to be provided on site, particularly where 1,000sqm (GIA) of additional floorspace or more is proposed. The proposed development would involve an uplift of 763sqm of floorspace which generates a requirement for 381.5sqm of the overall uplift to be provided as self-contained residential housing.
- 7.12 The first part of Policy H2 provides a set of criteria which will be considered when determining whether self-contained housing is required as part of the mix of uses on site. These include:
- a. the character of the development, the site and the area;
  - b. site size, and any constraints on developing the site for a mix of uses;
  - c. the priority the Local Plan gives to the jewellery sector in the Hatton Garden area;
  - d. whether self-contained housing would be compatible with the character and operational requirements of the proposed non-residential use and other nearby uses; and
  - e. whether the development is publicly funded or serves a public purpose.
- 7.13 Although the site is a large office building and is located within the Central Activities Zone, officers do not consider that there are any particular site constraints or characteristics which would mean that housing would not be a suitable use as part of the development, and in general, there are no fundamental incompatibilities between housing and office sharing the same building, as evidenced by the existing arrangement. As such, it is considered that the development proposals should include a contribution to housing in accordance with the first part of policy H2.
- 7.14 The second part of policy H2 considers whether housing should be provided on-site or off-site, and states that the following additional criteria will be considered:
- f. the need to add to community safety by providing an active street frontage and natural surveillance;
  - g. the extent of any additional floorspace needed for an existing user;
  - h. the impact of a mix of uses on the efficiency and overall quantum of development;

- i. the economics and financial viability of the development including any particular costs associated with it, having regard to any distinctive viability characteristics of particular sectors such as build-to-let housing; and
- j. whether an alternative approach could better meet the objectives of this policy and the Local Plan.

7.15 In this case, the key issues relate to criteria (h) to (i), and the economics and financial viability of the development. The applicant explored the feasibility of providing four additional residential units on site as required by policy, considering the structural, fire safety and viability implications of doing so. Their feasibility report determined that the works would require significant changes to the existing residential core to achieve fire engineering and building control regulation approval. Furthermore, this would require intensive structural interventions with a significant carbon impact from the demolition and reforming of the existing structure, and a major impact on viability. Both the physical and technical constraints associated with delivering new housing in the building would mean that the cost of creating four residential units, combined with the corresponding reduction in commercial floorspace that can be delivered, means it is not financially viable to do so.

7.16 A financial viability assessment, prepared by DS2, has been prepared to test the maximum level of residential floorspace that the proposals can viably support. The results of this scenario testing demonstrate that inclusion of on-site residential space would be significantly unviable. The impact is due to a combination of factors but includes the loss of office floorspace, a reduction in rents achievable at the upper levels due to the greater impact of residential on these smaller floorplates, increased costs of an enlarged residential core and the impact on investment yields of increasing the quantum of residential within the building. The financial viability assessment compares two schemes – one as submitted and one including the required residential floorspace. The results showed that the submitted scheme would result in a deficit of -£2,875,755, but that this would increase to -£11,065,750 if housing was included on site. A reasonable developer's return of 15% on cost is included in the assessment (£9,377,940), and as such, it is considered that the deficit of -£2,875,755 produced by the submitted scheme could be absorbed within the developer's profit. Officers therefore accept that it would not be viable to provide additional housing on site.

7.17 Policy H2 includes a provision for when self-contained housing is required but the development falls short of the Council's 50% target. In this case, the policy target is a £572,250.00 payment in lieu of housing floorspace (763 sqm x 50% target = 381.5 sqm, multiplied by the rate of payment in lieu of self-contained housing including market and affordable housing (£1,500)).

The applicant has agreed to pay this contribution in full. This shall be secured by S106 legal agreement which would be payable prior to implementation.

- 7.18 Given the proposals would only require a small number of new residential units to be provided on site and the significant negative impact on viability that would result from doing so, and considering the policy provision allowing for schemes of below 1,000sqm to make a payment in lieu of housing due to the possible difficulties of providing housing on site, and the fact that the applicant has agreed to make a policy compliant payment in lieu of the housing, overall, the proposals are considered to comply with the requirements of Policy H2.

***Bar/drinking establishment and Commercial, Business & Service uses***

- 7.19 The ground floor would be subdivided to include the main reception for the office floors and three separate commercial units. The existing residential entrance on New Compton Street would remain as existing.
- 7.20 Unit 1 is located to the southern end of the building fronting Shaftesbury Avenue, St Giles Passage and New Compton Street. Flexible permission is sought for bar/drinking establishment use (Sui Generis) and Commercial, Business & Service uses (Class E) to provide the option for some Class E café/restaurant use activities. Given the location of the site within London's theatreland and the Central Activities Zone, and noting the proximity of the site to Seven Dials and the range of eating and drinking establishments along Shaftesbury Avenue, this is considered an appropriate location for such a use.
- 7.21 Unit 2 fronts onto New Compton Street and is shown as Class E use which includes a number of uses such as retail, sale of food and drink for consumption on the premises, financial/professional services, indoor sport, recreation or fitness, provision of medical or health services, creche/day nursery, or office/research use. The legislation restricts the scope of Class E uses to those services which can be carried out without detriment to residential amenity and which are appropriate in a commercial, business or service locality. As such, by their very nature, any use of this unit should be able to be carried out without causing undue harm to residential amenity and is acceptable in this Central London location. Nevertheless, given the close proximity to a number of residential dwellings on New Compton Street, officers consider it necessary to control the hours of use and potential occupation of this unit, which is discussed in more detail in section 9 (Impact on neighbouring amenity).
- 7.22 The third unit is accessed from Shaftesbury Avenue and is also shown as Class E use. Given the location of the site on the busy Shaftesbury Avenue

within the Central Activities Zone, Class E use would be an appropriate use in this location and it is not considered necessary to restrict the hours of use.

### ***Conclusion***

- 7.23 The refurbishment and intensification of the existing office use and the creation of a new bar/drinking establishment and Class E use is considered appropriate in this location within the CAZ. The development would contribute towards a successful and inclusive economy in accordance with Local and Regional policies. Although no housing would be provided on-site or off-site, officers are satisfied that it is not practical to do so and a payment-in-lieu is therefore acceptable which will go towards providing new affordable housing in the Borough. As such, the proposals would comply with the requirements of policies G1, E1, E2 and H2 of the Local Plan and policies GG2, D3 and E1 of the London Plan.

## **8. DESIGN AND HERITAGE**

### ***Legislative background***

#### The Planning (Listed Building and Conservation Area) Act 1990

- 8.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the Listed Buildings Act”) states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.2 The effect of this section of the Listed Buildings Act is that there is a statutory presumption in favour of the preservation of Listed Buildings and their settings. Considerable importance and weight should be attached to their preservation. A proposal which would cause harm should only be permitted where there are strong countervailing planning considerations which are sufficiently powerful to outweigh the presumption. The NPPF provides guidance on the weight that should be accorded to harm to heritage assets and in what circumstances such harm might be justified (section 16).
- 8.3 The duties imposed by the Listed Buildings Act are in addition to the duty imposed by section 38(6) of the Planning and Compulsory Purchase Act 2004, to determine the application in accordance with the development plan unless material considerations indicate otherwise.

#### The National Planning Policy Framework 2024 (NPPF)

- 8.4 The NPPF requires its own exercise to be undertaken as set out in chapter 16 (Conserving and enhancing the historic environment). Paragraphs 207-216 require consideration as to the impact of a proposed development on the significance of both designated heritage assets and non-designated

heritage assets, including an assessment and identification of any harm/the degree of harm. Paragraph 215 states:

*‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.’*

### **Policy review**

- 8.5 London Plan policy D4, policy D1 of the Local Plan and CPG (Design) seek to secure high quality design. Policy D1 seeks high quality design in all development by requiring development to respond to local character and context, be highly sustainable in design and construction, integrate well with the surrounding streets and townscape, comprise high quality architecture, and be accessible for all. Policy D2 is also relevant given the application site’s proximity to the Seven Dials and Denmark Street Conservation Areas. It requires development to preserve, and where appropriate, enhance Camden’s rich and diverse heritage assets and their settings, including conservation areas and listed buildings.

### **Designations**

- 8.6 The application site is not listed, nor is it located within a conservation area. However, it does fall within the setting of a number of designated and non-designated heritage assets. The following section appraises the significance of those heritage assets as far as is relevant to the context of the application, before considering how the significance of these assets would be impacted by the proposals. Figure 3 shows a map of the nearby designated heritage assets surrounding the site.

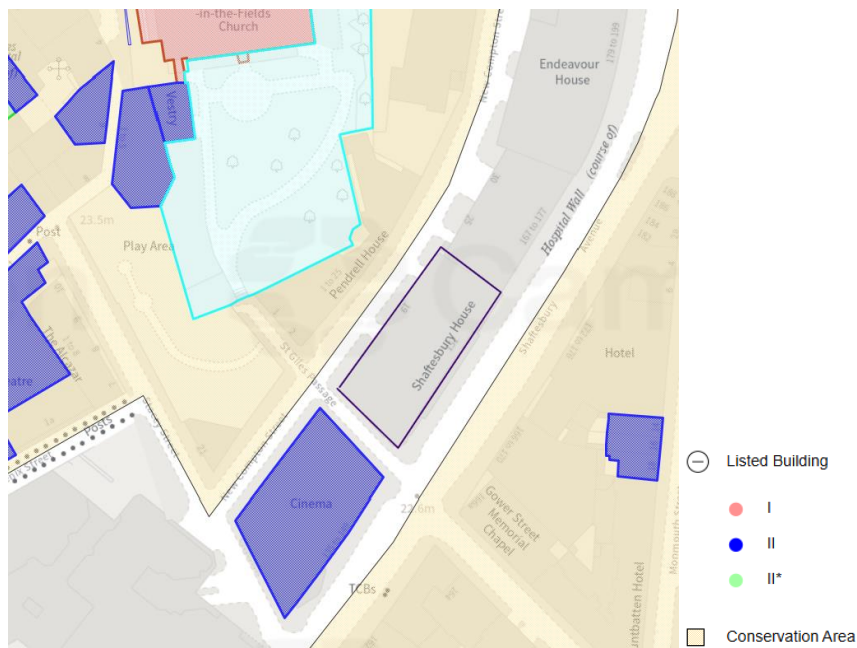


Figure 3: Location of designated heritage assets surrounding the site



### The Church of St Giles in the Fields

- 8.7 The grade I listed church sits to the north of the site on the northern side of the St Giles Churchyard and Playground (shown in red in figure 3). It dates from 1731-33 and is built in a classical style from Portland stone with a copper roof. Its special interest, in terms of its exterior, derives from its architectural composition, which includes a striking spire which is a notable landmark.
- 8.8 The applicants have submitted a Heritage, Townscape and Visual Impact Assessment which contains verified views and wirelines of the proposed development from the most sensitive locations surrounding the development. Three key views have been included of the church – from the north end of St Giles Square (view 1), the south end of St Giles Square (view 2) and from Denmark Street (view 3). The existing views and proposed wirelines of key views 1 and 3 can be seen in figures 4 and 5 below.



*Figure 4: Proposed wireline view of The Church of St Giles in the Fields from St Giles Square*

- 8.9 The proposed top floor of the development would be visible above the roof of the church in views from St Giles Square, the eastern end of Denmark Street and Earnshaw Street. In the summer months the mature trees on the street and in the churchyard would conceal the development. In winter, the development would only be visible at distance of approximately 60 metres behind the church, through the tree canopy and only rising a small amount above the roof of the church. In views where the church spire is still clearly visible, its silhouette against the skyline would be unchanged.



*Figure 5: Proposed wireline view of The Church of St Giles in the Fields from Denmark Street*

- 8.10 Overall, although the proposed development would be visible behind the church, this would not be out of keeping with the existing urban built form and would not cause harm to the significance or setting of the listed building.

#### Former Saville Theatre

- 8.11 This Grade II listed building dates from 1930-31 and was originally built as a theatre, although it has been used more recently as a cinema. It sits to the south west of the application site, on the opposite side of St Giles Passage. For the purposes of this application, the building's special interest comes from its external main facades, most notably the architectural composition of the elevations which were specifically designed to integrate the sculptural frieze by Gilbert Bayes which depicts 'drama through the ages'.
- 8.12 The townscape assessment includes wireline views along Shaftesbury Avenue, and from Phoenix Street to the rear (figures 6 to 8).



*Figure 6: Proposed wireline view of the Saville Theatre from Shaftesbury Avenue*



*Figure 7: Existing view of the site from Phoenix Street*



*Figure 8: Existing and proposed verified view of the proposed development from Phoenix Street*

- 8.13 From the front, in views along Shaftesbury Avenue, the proposed development is only seen obliquely in conjunction with this listed building. The street is lined on both sides with mature trees whose canopies largely screen views of the upper storeys on the development. Even when it would be visible in winter, due to the set back of the top floor, the relationship between the two buildings would be largely unchanged when compared to the existing arrangement.
- 8.14 From the rear, the increased height and bulk of the development would be more apparent, however in these views the development is seen against the plainer rear of the building and in conjunction with other taller buildings in the vicinity. As such, although the backdrop to the listed building would be altered, this would not be a harmful change and would preserve the significance of the listed building and its setting.

#### Denmark Street Conservation Area

- 8.15 The southern part of Denmark Street Conservation Area is centred around the Church of St Giles and its churchyard. The historic street pattern and network of narrow passageways which remain in much of the southern part of the area lends an intimate character. The surrounding architecture is a varied mix of former residential, industrial and commercial, dating from the late seventeenth century to the early twentieth century.
- 8.16 The impact is similar to the assessment on the setting of St Giles in the Fields. In views where the development is seen behind the church, it is

largely screened by trees and the church spire is still silhouetted against the sky.

- 8.17 In views from the churchyard itself, where it would be visible through the trees, the development will be seen in the context of a varied townscape of architectural styles and comparable heights.

#### Seven Dials (Covent Garden) Conservation Area

- 8.18 The character and appearance of the Conservation Area is found in the range and mix of building types and uses and the street layout. The character is not dominated by one particular period or style of building but rather it is their combination that is of special interest. The conservation area includes the south eastern side of Shaftesbury Avenue, opposite the application site.
- 8.19 In views along the south side of Shaftesbury Avenue the additional height and bulk of the building is largely concealed by the mature street trees that line the street. In the view along Mercer Street towards the site, the increased height of the building is not overly visible as additional height is set at the north eastern end of the building (existing and proposed views shown in figures 9 and 10).



*Figure 9: Existing view from Seven Dials / Mercer Street*



*Figure 10: Proposed view from Seven Dials / Mercer Street*

#### The Phoenix Garden

- 8.20 Phoenix Gardens is on Camden's Local List and is noted for its architectural, townscape and social significance. It provides a rare area of green open space in this part of London, which is bounded on most sides by buildings.
- 8.21 Whilst the height and mass of the proposed building is increased at the rear, it would be visible in the context of an already densely developed area, where a variety of building heights and styles are visible.

#### Heritage impact

- 8.22 Overall, although the proposals would result in additional height and massing to the existing building, this would be viewed in the context of a varied urban streetscape where it would not be out of character within this setting. The proposals would not dominate views of or the setting of nearby heritage assets, and as such, the proposals are not considered to cause harm to the setting or significance of the nearby listed buildings and would preserve the character and appearance of the surrounding conservation areas.

#### ***Design Review Panel (DRP)***

- 8.23 The proposals were considered by Camden's Design Review Panel at pre-application stage on 6 October 2023. The pre-application proposals were of a similar height and massing to the current scheme, as shown in figure 11.



Figure 11: Pre-application proposals presented to Design Review Panel

8.24 At the point of the review, the Panel considered that the development was progressing in a positive direction, but that further work was needed to deliver the design quality required on a prominent and important site. A summary of the Panel's review is provided below.

*The panel considers that, while the development is progressing in a positive direction, further work is needed to deliver the design quality required on a prominent and important site. The panel does not oppose the increased height and massing in principle, but asks for complete townscape views so its impact can be fully assessed. More work is needed to develop a calmer, clearer architecture for the building, including reducing the glazing-to-solid ratio and avoiding floor-to-ceiling windows. The corner element on Shaftesbury Avenue and St Giles Passage is clearly a feature, and will provide character in the street scene. To be successful it should relate more strongly to the character of the rest of the building and the area, and be mindful of proposals for the Odeon cinema. Local precedents should be studied. The articulation of the corner should continue to be expressed at ground level and at the upper levels be less glazed, so it will provide spaces that will not overheat or feel overlooked. The rear terraces need stronger architectural expression.*

*The panel asks for a stronger narrative describing the role of the building in improving the surrounding area. It does not support proposals for the building to encroach onto the pavement on Shaftesbury Avenue, and also considers the New Compton Street pavement too constricted. It asks that the building gives more back to the public realm at ground level, including opening out the corner of Shaftesbury Avenue and St Giles Passage, chamfering the corner on New Compton Street, and creating opportunities*

*for pedestrians to pause informally within the curtilage. Discussions should be held with officers on pedestrianising St Giles Passage.*

*The panel considers not refurbishing the residential accommodation a missed opportunity. The quality and sustainability of apartments should be improved as part of the project. The long-term flexibility of the building should be demonstrated to avoid the need for future remodelling. Offices should include openable windows, contributing to their flexibility. The panel welcomes the ambitious sustainability targets for the scheme, but asks for more information on how net zero carbon will be achieved. Materials should be tested, a plan provided for material reuse, glazing ratios reduced, window reveals deepened, and u-values improved.*

8.25 In response to the DRP's comments, the proposals were amended in the following ways:

- The corner element was amended to look less corporate and incorporate local design influences and materials. The revised treatment features richer, more interesting detailing and materiality.
- Additional townscape views were provided within a Heritage and Townscape Report.
- The glazing to solid ratio has been reduced from approximately 80% on the existing building to 40%.
- Reconstituted stone is no longer proposed at ground floor level which was considered to be low quality. Brickwork is now proposed instead which is welcomed and is in keeping with the local character.
- Removal of the projecting plinth at ground floor level to the corner as per the Panel's suggestion to provide a more cohesive and grounded design.
- Existing pavement widths retained.
- The Council is currently consulting on the Shaftesbury Avenue Safe and Healthy Streets scheme which includes the pedestrianisation of St Giles Passage. The proposals include ground floor window openings onto St Giles Passage for the proposed drinking establishment providing activation and overlooking of this street which would further enliven it if pedestrianised in the future.
- As the proposals do not constitute major development, they are not required to meet net zero, nevertheless, the GLA's Circular Economy and Whole Life Carbon (WLC) principles have been applied in the design to help minimise waste and reduce embodied carbon. Please see section 10 (Sustainability) for more detailed information.
- The existing residential units were not included in the scope of works as they are of a high quality and there have been no concerns or issues raised by any of the tenants that have previously occupied the units. No works requiring planning permission are needed for the proposed development.



### ***Design Assessment***

- 8.26 The existing site is broadly rectangular in plan and entirely occupied by a nine-storey mixed use office development, forming the southern part of a long, wide urban block. The existing building forms one end of an island block with 189 Shaftesbury Avenue, known as Endeavour House, bookending the opposite end of the block.
- 8.27 The existing façade's main components are red pre-cast concrete panels and green-tinted glazing which does not relate to the wider architectural context of Shaftesbury Avenue. The facades have a large amount of glazing with a glass to solid ratio of 80% on the Shaftesbury Avenue elevation. The existing building is not considered to be a high quality design or of any particular architectural merit, nor does it make a positive contribution to the streetscene as evidenced by its exclusion from both of the adjacent conservation area boundaries.
- 8.28 The principal design alterations involve the extension and remodelling of the existing upper floors at levels 5 to 8, the erection of an additional storey at level 9, introduction of more active frontages to all elevations at ground level, creation of new external terraces at levels 7 and 8, and replacement and redesign of external facades.



*Figure 12: CGI of the proposed development from Shaftesbury Avenue*

### Bulk and massing

- 8.29 The proposed increases in height and massing have been refined and reduced in scale over the course of a number of pre-applications following feedback from the Council's design and conservation officers.
- 8.30 Although the upper floors will be increased in footprint and massing, they will still be stepped back from the rear elevation which would help to reduce their visual impact in short views. Although undeniably visible in longer views, particularly when viewed from the rear, the additional height and massing will be of an improved design and appearance and is not considered to be overbearing or out of character with the existing streetscape when read against the prevailing development in this area, nor would it overwhelm the neighbouring buildings.

### Detailed design and materials

- 8.31 The proposed re-cladding of the façade would see the existing green tinted glazing and red pre-cast concrete tiles replaced with new red brickwork and a reduction in the amount of glazing to all elevations. Stepped brick spandrel panels with corbel detail bricks at ground floor are proposed to add depth to the façade and fluted GRC panels are proposed at each floor. Radial brickwork is proposed to emphasise the main entrance onto Shaftesbury Avenue and provide an additional level of detail to the principal elevation. All windows would be framed in powder coated metal.
- 8.32 The corner tower element includes double height stepped corbelling bays to differentiate this prominent corner and ensure it reads as a distinctive focal point between the building's principal and side elevations. The use of stepped brick piers and spandrel panels will create movement and interest from the differences in light and shadows.
- 8.33 A single storey base with stepped spandrel brick detail and new glazing at ground floor level provides a more human scale onto the adjacent streets, with the additional glazing providing more activation and surveillance, opening up the new commercial spaces to the street.
- 8.34 The replacement materials, glazing proportions and façade details are considered to be high quality and more architecturally appropriate to the building's surroundings. In terms of townscape, it is considered that the proposals would provide a high-quality development that would be a positive addition to the local area while respecting the sensitivities of the surrounding context and responding to the constraints of the existing building. A sample panel of the proposed materials indicating the colour and finish would be secured by condition for approval prior to implementation of the relevant works, as well as detailed drawings of a typical bay, shopfronts, and windows and doors to ensure the necessary standard of design is delivered on site (condition 10).

### ***Design and Heritage Conclusion***

- 8.35 The application site is not located in a conservation area, nor does it contain any listed buildings; however, it is located in close proximity to a number of heritage assets including Denmark Street Conservation Area, Seven Dials Conservation Area, the former Saville Theatre and the Church of St Giles in the Fields as well as non-designated heritage assets including Phoenix Gardens. The proposals would see the re-design and extension of the existing building which is considered to contribute little to the streetscene or townscape. The proposed redevelopment would be of an appropriate scale and height and is considered to provide a high standard of design and finish. Although the new massing would be more visible from the setting of surrounding listed buildings and conservation areas, it is not considered to cause harm to their setting or significance. The proposals would ensure the building had a better relationship to the three surrounding streets, with increased ground floor activation which will positively affect the character of and provide increased surveillance of these streets which suffer with anti-social behaviour and criminal activity.
- 8.36 Overall, it is considered that the proposals are acceptable in design and heritage terms and would be in accordance with policies D1 and D2 of the Local Plan and policy D4 of the London Plan.
- 8.37 Special regard has been attached to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses and to preserving or enhancing the character or appearance of the conservation area, as required under s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

## **9. IMPACT ON NEIGHBOURING AMENITY**

- 9.1 Local Plan policies A1 and A4 and the Amenity CPG are all relevant with regards to the impact on the amenity of residential properties in the area, requiring careful consideration of the impacts of development on light, outlook, privacy and noise. Impacts from construction works are also relevant but dealt with in the 'Transport' section. The thrust of the policies is that the quality of life of current and future occupiers should be protected and development which causes an unacceptable level of harm to amenity should be refused. The nearest neighbouring properties are shown in figure 11 and include:

1. Pendrell House, 15 New Compton Street (residential)
2. 45 New Compton Street (residential)
3. 167 – 177 Shaftesbury Avenue (residential)
4. 166 – 170 Shaftesbury Avenue (residential)
5. 166a Shaftesbury Avenue (church)
6. 172-176 Shaftesbury Avenue (hotel)

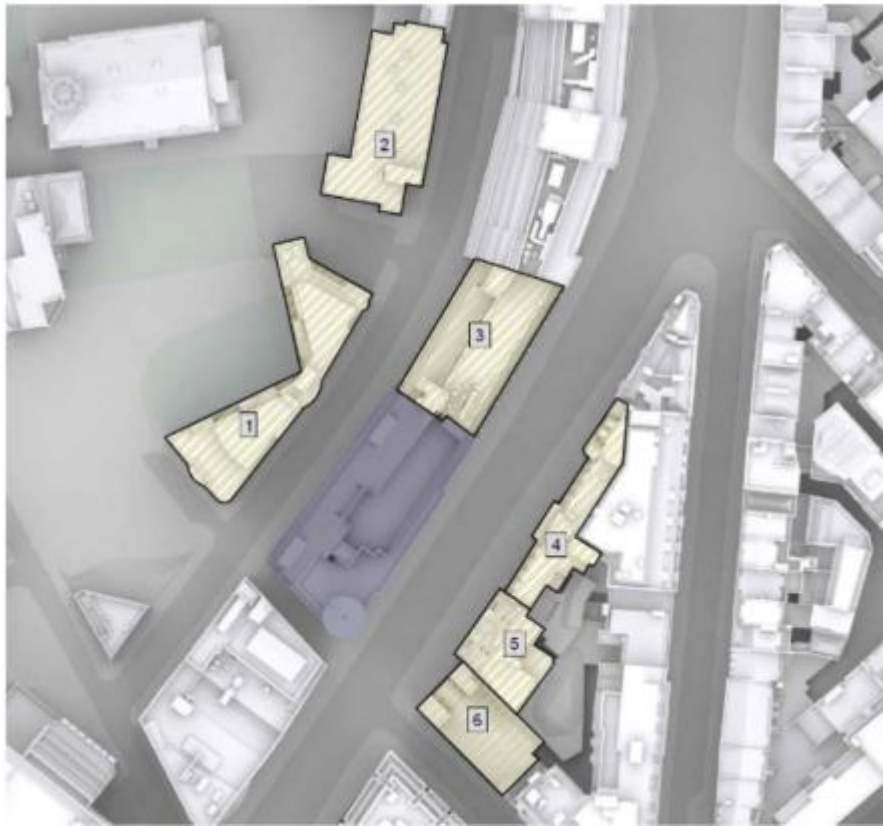


Figure 13: Neighbouring properties

### ***Daylight and sunlight***

- 9.2 A Daylight, Sunlight and Overshadowing Report has been submitted as part of the application which details any impacts upon neighbouring properties.
- 9.3 The leading industry guidelines on daylight and sunlight are published by the Building Research Establishment in BR209 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (third edition, 2022) (BRE). The development plan supports the use of the BRE guidance for assessment purposes, however, it should not be applied rigidly and should be used to quantify and understand impact when making a balanced judgement.
- 9.4 Paragraphs 129 and 130 of the NPPF support making efficient use of land and say that authorities should take a flexible approach in applying policies or guidance relating to daylight/sunlight where they would otherwise inhibit making efficient use of a site, as long as the resulting scheme would provide acceptable living standards.

### **Methodology**

- 9.5 The methodology and criteria used for the assessment is based on the approach set out by BRE guidance. The report makes use of several metrics

in its assessment of surrounding buildings which are described in the BRE guidance:

- **Vertical Sky Component (VSC)** – The daylight on the surface of a window. A measure of the amount of sky visible at the centre of a window.
- *The BRE considers daylight may be adversely affected if, after development, the VSC is both less than 27% and less than 0.8 times (a reduction of more than 20%) its former value.*
- **No Sky Line (NSL)**, also known as **Daylight Distribution (DD)** – The daylight penetration into a room. It measures the area at desk level (“a working plane”) inside a room that will have a direct view of the sky.
- *The NSL figure can be reduced to 0.8 times its existing value (a reduction of more than 20%) before the daylight loss is noticeable.*
- **Annual Probable Sunlight Hours (APSH)** - The amount of sunlight that windows of main living spaces within 90 degrees of due south receive and a measure of the number of hours that direct sunlight reaches unobstructed ground across the whole year and also as a measure over the winter period. The main focus is on living rooms.
- *The BRE considers 25% to be acceptable APSH, including at least 5% during the winter months. If below this, impacts are noticeable if less than these targets, and sunlight hours are reduced by more than 4 percentage points, to less than 0.8 times their former value. It recommends testing living rooms and conservatories.*
- **Sun-hours on Ground (SoG)**, also known as **Overshadowing** – The amount of direct sunlight received by open spaces.
- *The BRE recommends at least half (50%) of the area should receive at least two hours (120 mins) of sunlight on 21 March (spring equinox), and the area which can receive some sun on 21 March is less than 0.8 times its former value.*

### Categorising impacts

- 9.6 The assessment has set significance criteria which is the approach recommended by BRE guidance. Officers endorse the approach, and the criteria used in the table below.

Impact inside BRE guidelines	Impact outside BRE guidelines		
	0.70-0.79 times former value (21% to 30% loss)	0.60-0.69 times former value (31% to 40% loss)	<0.60 times former value (>40% loss)
Negligible impact	Low impact	Medium impact	High impact

*Table 1 - Impact criteria*

- 9.7 The BRE guidance targets are based on a model which is meant to apply broadly across the whole country, so it does not tend to account for much denser urban settings like London or Growth Areas.

- 9.8 Whilst BRE cites 27% VSC as the benchmark “minimum” for good daylight potential, for urban development densities found more typically in Camden such as Holborn, Covent Garden and Hatton Garden planning officers have noted that VSC values of 15% to 20% can be tolerated as an acceptable norm. There will always be the higher values of 27% and above found in dwellings on upper floors or facing across open spaces like parks, squares and larger gardens, while at the same time VSC values of less than 10% are common, more usually for secondary windows such as those facing into alleyways and lightwells. The reliance on artificial lighting for such rooms can be accepted, especially where the room itself also serves a secondary function or used more at night-time such as a bedroom.
- 9.9 Existing windows with balconies above them also typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction opposite may result in a large relative negative impact on the VSC, and on the area receiving direct skylight. Where there are balconies which can cause obstruction, the BRE guidelines suggest modelling the impacts with and without the balconies. This allows you to test whether the presence of the balcony or overhanging walkway, rather than the size of the new obstruction (the proposed development), is the main factor in the relative loss of light.

### Assessment

#### *Pendrell House, 15 New Compton Street (residential)*

- 9.10 In the existing condition, only 6 of the 95 windows tested with the VSC test currently meet BRE recommended targets (27% VSC), and only 2 of the 40 rooms tested with the NSL test meet the BRE recommended target of 80%.
- 9.11 The VSC test showed that in the proposed condition, 68 of the 95 windows would see either no change or changes which are within BRE guidelines (i.e. losses of no more than 20%). Of the 27 windows which wouldn't meet targets, 23 of these would see losses which are only slightly more than the BRE guidelines (between 0.7 to 0.79 times their former value – i.e. noticeable but low impact). Two windows would see a medium impact loss with values of 0.67 and 0.69 their former value, and two windows would see a greater loss, with values of 0.43 and 0.44 their former value (high impact).
- 9.12 Looking at these medium and high impact windows in more detail, the two high impact windows both serve the same bedroom at first floor level and already have very low VSC scores of 6.2% and 6.1% in the existing condition (which does not meet the BRE target of 27%) which would be reduced to 2.7% and 2.6% respectively. The third window (with a loss of 0.67 times its former value) serves an unknown room at fifth floor, but the existing value is very low at 0.3% which would be reduced to 0.1%. The fourth window (0.69 times loss) also serves a bedroom at first floor, and would see an existing score of 11.4% reduced to 7.9%. In these instances,

where the existing score is low, even small losses would result in a disproportionately high percentage reduction in VSC. Most of these windows also serve bedrooms where there is a lower need for a high level of daylight.

- 9.13 The results of the NSL test show that 17 rooms would see losses greater than 20%. Seven of these would see losses between 0.7 – 0.79 times their former value (noticeable but low impact) and six would see losses between 0.6 – 0.69 times their former value (medium impact). In the existing condition, these rooms are all below the BRE recommendation of 80% (with all existing scores between 17-36%). The remaining four rooms would see greater reductions of 0.41, 0.06, 0.55 and 0.37 times their former value. Their existing and proposed values are shown below (80% NSL is a good level of daylight):

	Existing NSL	Proposed NSL	Pr/Ex ratio
1 <sup>st</sup> floor - R4 bedroom	20%	8%	0.41
4 <sup>th</sup> floor - R4 kitchen	6%	0%	0.06
5 <sup>th</sup> floor - R3 bedroom	59%	33%	0.55
5 <sup>th</sup> floor - R4 unknown	20%	7%	0.37

- 9.14 All four rooms have existing NSL values which do not meet the BRE recommendation of 80%, but they also have very low existing VSC values – 6.1, 0, 2.4 and 0.3 respectively, which also don't meet the recommendation of 27%.

- 9.15 As to the impacts on sunlight, the APSH test showed that 10 of the 40 rooms tested would not meet the BRE recommendations, with losses greater than 0.8 times their former value. The greatest impacts are to 5 rooms at ground and first floor as shown below. At second floor and above, the rooms would see only a low impact to their annual APSH levels.

	Annual % APSH			Winter % APSH		
	Existing %APSH	Proposed %APSH	Pr/Ex ratio	Existing %APSH	Proposed %APSH	Pr/Ex ratio
1. GF bed	19	13	0.68	3	2	0.67
2. GF bed	16	9	0.56	2	1	0.50
3. 1F bed	20	14	0.70	3	2	0.67
4. 1F bed	16	10	0.63	2	0	0.00
5. 1F bed	10	2	0.20	3	0	0.00
6. 2F living	26	20	0.77	6	3	0.50
7. 2F bed	27	20	0.74	7	5	NA (complies)

8. 2F living	30	25	NA (complies)	6	4	0.67
9. 3F bed	31	24	0.77	8	7	NA (complies)
10. 3F bed	31	22	0.71	8	6	NA (complies)

9.16 Again, the rooms at ground and first floor do not meet BRE recommendations for APSH in the existing condition (%APSH of 25% annually and 5% in winter), with values ranging from 10 to 20%. The greatest impact would be to a first floor bedroom (number 5 in the table above) which would see an annual reduction of APSH of 80% and a winter reduction of 100%. The room in question is shown highlighted in figure 14 where it can be seen that the windows serving this room sit within an existing deep reveal.



Figure 14: Impacted windows at Pendrell House

- 9.17 It is noted that all rooms which fail the APSH test for sunlight, would see a noticeable but low impact to their VSC and NSL levels, with the greatest reduction being a loss of 0.7 times its former value. As to the room highlighted in the image above, the existing VSC would be reduced from 6.8 to 5.2% (0.76 times its former value – noticeable but low impact), and the NSL would be reduced from 20% to 19% (0.95 times its former value – not noticeable).
- 9.18 Overall, the results of the daylight and sunlight assessment show that there will be noticeable changes to a number of windows within Pendrell House.



The majority would be low impact, but there are a limited number which would see more medium and high impact changes to their daylight.

9.19 When assessing the impact on neighbouring light levels, the BRE guidance notes that the numerical data must be interpreted flexibly and the assessment of the effects of a development is also a matter of judgement as to whether that deterioration would be acceptable in the circumstances. The daylight and sunlight assessment summarises BRE guidance and previous planning appeals to determine a number of factors that are important to consider when making a judgement of the acceptability of the impact:

- a. Whether the neighbouring building stands unusually close to the site boundary, including the highway, such that a greater reduction in light may be unavoidable.
- b. Whether windows in neighbouring buildings are self-obstructed by overhanging or inset balconies or other projections such as to make relatively larger reductions unavoidable even if there is a modest new obstruction opposite.
- c. In historic city centres or areas characterised by modern tall buildings, high density and close proximity, a higher degree of obstruction may be unavoidable.
- d. In areas that are designated by planning authorities for substantial growth or providing opportunities for change and sustainable regeneration, the sort of change that would be brought about by the introduction of taller, denser development is to be expected, including reductions in daylight and sunlight levels, closer proximity, loss of outlook, etc.

9.20 The daylight and sunlight assessment notes that Pendrell House appears to locate most of its main living rooms and balconies away from New Compton Street and facing out over the green spaces of St Giles Churchyard and Phoenix Gardens. The rooms facing the site appear to be predominantly bedrooms and kitchens, some of which sit beneath deck access balconies or canopies.

9.21 Of the 27 windows with VSC impacts outside the BRE numerical guidelines, five serve living rooms, 21 serve bedrooms, and one serves a room of unknown use. Of the 17 rooms with NSL impacts outside the BRE numerical guidelines, one is a kitchen, one is of unknown use, and the remaining 15 are bedrooms. The assessment notes that the living rooms affected are the corner living room at the southern end of the building on each floor from ground to fourth level. However, in each case it would be a low magnitude impact affecting the small secondary window on New Compton Street. The VSC impacts on the large, curved bay window and other secondary window fronting St Giles Passage would be inside the guidelines, and the NSL would be unaffected. The impact on living rooms would therefore be negligible overall.

- 9.22 Out of 23 bedrooms assessed, 18 would have either VSC or NSL impacts outside the guidelines. The VSC impacts would be low magnitude to 16 bedrooms, medium magnitude to one bedroom and high magnitude to one bedroom. The NSL impacts would be low magnitude to seven bedrooms, medium magnitude to six bedrooms, high magnitude to two bedrooms, and negligible (within the guidelines) to three bedrooms.
- 9.23 The remaining impacts are to a fourth-floor kitchen, which is heavily recessed beneath a deck access balcony, and a fifth-floor room of unknown use, which is beneath a projecting canopy.
- 9.24 When considering the impacts as a whole, where windows and rooms will see a noticeable impact to their daylight or sunlight, these rooms are already lower than usual due to the existing site constraints, meaning even a moderate obstruction could cause a larger relative reduction. The results to these rooms are therefore considered disproportionate, and overall, the impact to this building is considered acceptable given the existing context shortfalls.

*45 New Compton Street (residential)*

- 9.25 In the existing condition, only 5 of the 32 windows tested with the VSC test currently meet BRE recommended targets (27% VSC), and 6 of the 24 rooms tested with the NSL test meet the BRE recommended target of 80%.
- 9.26 The results showed that all windows tested would meet BRE guidelines for VSC, NSL and APSH following development, and as such, there would be no discernible impacts to daylight or sunlight.

*167 – 177 Shaftesbury Avenue (residential)*

- 9.27 In the existing condition, 23 of the 26 windows tested with the VSC test currently meet BRE recommended targets (27% VSC), and 22 of the 26 rooms tested with the NSL test meet the BRE recommended target of 80%.
- 9.28 The results showed that all windows tested would meet BRE guidelines for VSC, NSL and APSH following development, and as such, there would be no discernible impacts to daylight or sunlight.

*166 – 170 Shaftesbury Avenue (residential)*

- 9.29 In the existing condition, only 4 of the 24 windows tested with the VSC test currently meet BRE recommended targets (27% VSC), and none of the 12 rooms tested with the NSL test would meet the BRE recommended target of 80%.
- 9.30 The results showed that all windows tested would meet BRE guidelines for VSC following the development. One room would see a loss to NSL of 0.67 times its former value which is greater than the BRE target of 0.8. The room in question has an existing NSL value of 14% - well below the BRE

recommendation of 80% - which would be reduced to 10% in the proposed condition. Although the percentage loss would be greater than 0.8 times its former value, in reality, the loss would be unlikely to be significant. Furthermore, given the VSC score for this room would meet the BRE recommendations (0.85), the loss of NSL is considered acceptable.

- 9.31 As none of the windows at this site face due south, the APSH test was not required.

*166a Shaftesbury Avenue (church)*

- 9.32 In the existing condition, none of the 94 windows tested with the VSC test currently meet BRE recommended targets (27% VSC), and 2 of the 4 rooms tested with the NSL test would meet the BRE recommended target of 80%.
- 9.33 The results showed that all windows tested would meet BRE guidelines for VSC, NSL and APSH following development, and as such, there would be no discernible impacts to daylight or sunlight.

*172-176 Shaftesbury Avenue (hotel)*

- 9.34 In the existing condition, only 2 of the 71 windows tested with the VSC test currently meet BRE recommended targets (27% VSC), and none of the 35 rooms tested with the NSL test would meet the BRE recommended target of 80%.
- 9.35 The results showed that all windows tested would meet BRE guidelines for VSC. Two rooms would see minor losses to NSL greater than the BRE target of 0.79 and 0.74 their former value. Given these are only just over the BRE recommended loss of 20% and the rooms don't currently meet the BRE recommendations, these losses are considered acceptable.
- 9.36 Only two windows face due south, and both would not see any losses in sunlight and therefore meet the BRE recommended targets for APSH.

Sunlight to neighbouring amenity areas

- 9.37 Sunlight to neighbouring amenity areas in Phoenix Community Gardens, St Giles' Playground and St Giles' Churchyard were assessed. In the existing condition, all three amenity spaces comfortably satisfy the BRE recommended target of at least two hours of sunlight on 21 March to at least 50% of the area.
- 9.38 The assessment shows that following the proposed development, all three amenity areas would satisfy the BRE guidelines for sun on ground. The development would not result in any reduction to the two hours sunlit area on 21 March to any of these amenity areas.

### Daylight / sunlight conclusion

- 9.39 Overall, the main impact arising from the proposals would be to the neighbouring residential property Pendrell House which would see a loss of daylight or sunlight to a number of rooms predominantly at ground and first floor. However, when considering the data as a whole, the fact that the building is located within a fairly dense urban environment with a tight grain and short distances between neighbouring buildings, combined with the fact that many rooms do not meet BRE recommended values in the existing situation and the inflated impact this can have on the percentage loss, the potential impacts to daylight and/or sunlight are not considered to be so great as to cause significant harm to the amenity of the residents within this building or to warrant refusal of the application on this ground.

### ***Overlooking***

- 9.40 The existing building is ground plus eight storeys. The ground to fourth floor sits flush onto the street before the fifth floor is set back and the floors above angled away even further. The closest neighbouring building is Pendrell House which sits directly opposite the site on New Compton Street and is ground plus four storeys with a set back fifth floor. The distance between the two buildings is approximately 12 metres.
- 9.41 Although the proposed development involves the infilling of the setback upper floors, these floors would be in use as offices, the same as the existing use, and would sit no closer to the neighbouring residential building than the existing lower floors. They would also sit above the highest floor of Pendrell House rather than directly opposite. As such, the proposal is not considered to result in a harmful increase in overlooking or loss of privacy compared to the existing situation.

### ***Outlook***

- 9.42 The proposals would result in the erection of an additional set back floor at ninth floor, and the infilling of the sloped rear elevations at fifth to eight floor levels. Although the massing would be increased across these floors, they would still be stepped back incrementally.
- 9.43 Although the massing and visibility of the upper floors when viewed from Pendrell House would be greater than the current situation, the proposed set backs would go some way to ameliorate the impact of the additional massing on neighbouring outlook. Whilst undoubtedly more visible, the proposals are not considered to cause such harm to neighbouring amenity from the changes to their outlook as to warrant refusal of the application on this ground.

## ***Noise and disturbance***

### Plant and machinery

- 9.44 The proposals include the introduction of new items of building services plant, although the detailed design has not been finalised at this stage.
- 9.45 An acoustic assessment has been carried out to support the planning application which has been reviewed by the Council's Environmental Health Officer.
- 9.46 Appropriate noise guidelines have been followed within the report such as Noise Policy Statement for England, National Planning Policy Framework (NPPF), Planning Practice Guidance on Noise, BS 8233 Guidance on sound insulation and noise reduction for buildings, Camden Council's Local Plan, version June 2017 and BS 4142:2014 "Methods for rating and assessing industrial and commercial sound".
- 9.47 As the final building services plant design has not been finalised, it is not possible to undertake accurate calculations required for a full noise impact assessment to identify required acoustic noise mitigation measures. However, the Environmental Health Officer has confirmed that the plant noise criteria have been adequately predicted taking into consideration distance losses, surface acoustic reflections and, where applicable, screening provided by the building. To meet the local authority criteria the applicant will have to pay careful attention to the selection, location, and design of all building services plant.
- 9.48 The Environmental Health Officer has confirmed that the submitted acoustic submission and associated noise criteria should meet our local plan guidelines and is therefore acceptable in Environmental Health terms. The acoustic report details long term unattended measurements that were undertaken at two external locations on Pendrell House (L1 to the north side of the building and L2 to the south side of the building) to determine typical background noise levels. The background noise levels and the noise emission limit that any proposed plant would need to comply with (10db below background noise levels) are shown below.

Receptor Location (Figure 2.1)	Representative Measurement Location	Time period	Background Noise Level L <sub>A90,15min</sub> dB 10%ile <sup>1</sup>	Noise Emission Limit dB L <sub>Ar,Tr</sub> <sup>2,3</sup>
NSR1 / NSR5	L1	Daytime	47	37
		Night-time	42	32
		Emergency (all times) <sup>4</sup>	42	52
NSR2 / NSR3 / NSR4	L2	Daytime	53	43
		Night-time	48	38
		Emergency (all times) <sup>4</sup>	48	58

- 9.49 If permission is granted it will be subject to conditions requiring the applicant to provide full details of their final plant layout and demonstrate that the external noise level emitted from plant/machinery/equipment would comply with the Council's noise requirements. The installation of anti-vibration measures shall also be secured by condition (conditions 15 and 27).

#### Ground floor uses

- 9.50 The proposals include the creation of three separate commercial units at ground floor level. Unit 1 is located to the southern end of the building fronting Shaftesbury Avenue, St Giles Passage and New Compton Street and would be used as a bar/drinking establishment. It is noted that concerns have been raised by neighbouring residents as to the impact of such a use on nearby residential amenity and the potential for customers to enter and exit the unit via New Compton Street causing disturbance and antisocial behaviour. However, the ground floor plan shows no access doors are proposed to the rear elevation and the ground floor windows fronting New Compton Street would be largely in the same location as the existing office windows, meaning there would be unlikely to be increased overlooking compared to the current situation. The entrance doors would be to the front elevation onto Shaftesbury Avenue. In order to ensure this was the case, it is proposed to restrict access and egress via Shaftesbury Avenue and to require the rear windows to be non-opening by condition (condition 18). It is also proposed to restrict opening hours to 08:00 to 00:00 (condition 19) which is one hour later than the suggested hours put forward by the CGCA. Given the controls on access/egress and windows, it is considered that the unit can be operated to this time without causing undue disturbance to neighbouring residents. It is noted that bifolding doors are proposed to the St Giles Passage elevation, but access and egress will not be possible via these doors as secured by condition, and given they would open onto the non-residential St Giles Passage, it is not considered that they would result in excessive disturbance to residential occupants to the rear on New

Compton Street. Nevertheless, it is suggested that they are closed by 22:00 to prevent noise outbreak which shall be secured by condition (condition 18).

- 9.51 Unit 2 fronts onto New Compton Street and is shown as Class E use which includes a number of uses such as retail, sale of food and drink for consumption on the premises, financial/professional services, indoor sport, recreation or fitness, provision of medical or health services, creche/day nursery, or office/research use. The legislation restricts the scope of Class E uses to those services which can be carried out without detriment to residential amenity and which are appropriate in a commercial, business or service locality. As such, by their very nature, any use of this unit should be able to be carried out without causing undue harm to residential amenity. However, it is noted that concerns have been raised by residents and the CGCA as to the impact of the use of this unit given the quiet nature of New Compton Street and the number of residential homes nearby. The CGCA suggested conditioning the hours of use to 08:00 to 21:00 Monday-Friday, 09:00-21:00 on Saturdays and 10:00-21:00 on Sundays, and to restrict it to uses other than Class E(b) restaurant. Officers agree that the use of this unit would need to be controlled to ensure there were no undue harmful impacts on neighbouring amenity. It is therefore proposed to restrict the Class E use so that it cannot be used as a restaurant or for the sale of food for consumption on the premises, or for industrial use. The applicant advises that this unit will likely be used as a gym, and has therefore suggested slightly earlier opening hours than those put forward by the CGCA, opening at 06:00 Monday to Friday, 08:00 on Saturdays and 09:00 on Sundays. These opening hours and a closing hour of 21:00 Monday to Sunday shall be secured by condition (conditions 20 and 21).
- 9.52 The third unit (Unit 3) is accessed from Shaftesbury Avenue and is also shown as Class E use. Given the location of the site on the busy Shaftesbury Avenue within the Central Activities Zone, the size of the unit, and the sole access being onto Shaftesbury Avenue, it is not considered that the occupation of this unit would impact nearby residential occupants.

#### Roof terraces

- 9.53 The proposals also include the provision of new roof terraces at levels 8 and 9 for the use of office staff. Given their relatively small size, it is not considered that they will cause undue disturbance to neighbouring residents; however, it is proposed to condition their hours of use to ensure they are used only during the hours of 08:00 to 20:00 Monday to Saturday, which are the suggested hours put forward by the CGCA (condition 24). It is also proposed to restrict the Class E use of the roof terraces so that they cannot be used in association with any restaurant use or for the sale of food for consumption on the premises (condition 22). The CGCA also suggested the installation of screening to eye level to the terraces; however, given the

relatively small size of the terraces to the rear of the building, they would accommodate limited numbers of people and the levels of overlooking possible would be no different to the windows on the floors below. Furthermore, the installation of large screens would cause additional bulk and clutter at these high levels which would be unlikely to be acceptable from a design perspective.

## **10. SUSTAINABILITY AND ENERGY**

- 10.1 In November 2019, Camden Council formally declared a Climate and Ecological Emergency. The council adopted the Camden Climate Action Plan 2020-2025 which aims to achieve a net zero carbon Camden by 2030.
- 10.2 In line with London Plan policies, SI1, SI2, SI3, SI4, SI5 and SI7 and Camden Local Plan policies CC1, CC2, CC3, and CC4, development should follow the core principles of sustainable development and circular economy, make the fullest contribution to the mitigation of and adaptation to climate change, minimise carbon dioxide emissions and contribute to water conservation and sustainable urban drainage.

### ***Redevelopment strategy***

- 10.3 The proposed development comprises the complete refurbishment, retention and extension of the existing building to optimise and increase office floorspace at the site and significantly improve the building's sustainability credentials. The development strategy improves the overall energy performance and delivers lower embodied carbon over its lifecycle.
- 10.4 The development seeks to retain as much of the existing structure as possible, with 100% of the existing substructure and 90% of the superstructure being retained and reused. The development replaces the existing façade with high performance glazing to reduce the existing solid to glazing ratio from the existing 80% to nearer 40%.
- 10.5 Although the demolition of the building is not proposed, the applicant has prepared a Whole Life Carbon (WLC) assessment considering the carbon impact of the construction and use of the building over its lifetime.
- 10.6 The Circular Economy and Whole Life Carbon (WLC) principles in the GLA LPGs have been applied in the design to help minimise waste as well as reduce embodied carbon with the application of the following principles:
- Maximise the residual value of the existing building by cataloguing and analysing the existing materials and setting performance targets for diversion of landfill waste and reuse on site.
  - Maximise the lifetime value of new build and fit-out via the optimisation of the extension structural design, minimising the waste



during construction and making use of recycled or reclaimed materials.

- Maximise future benefits by developing a design that facilitates future re-use, reclamation and recycling.

10.7 The estimated demolition waste is 687 tonnes, and the development aims to recycle or reuse 98% of this waste stream:

- Concrete – most concrete is unsuitable for reuse, so where it cannot be, it will be separated for use as aggregate.
- Timber – solid timber will be recycled into chipboard if they can't be re-used.
- Glass – any clear float glass will be segregated and sent through closed loop recycling.
- Glass partitions – where reuse not possible, opportunities to recycle into other elements such as desktops/workshops will be explored.
- Gypsum – A strong focus on segregation and a monitoring record will be implemented.

10.8 The proposed retention and refurbishment of the existing building rather than full demolition is in line with Local and London policies and is welcomed.

10.9 To ensure greater resource efficiency through recycling and reuse of materials, and ensure the applicant delivers the targets outlined above, a condition is attached requiring 95% of deconstruction waste to be reused, recycled, or recovered (condition 31).

***Energy and carbon***

10.10 To minimise operational carbon, development should follow the energy hierarchy set out in the London Plan (2021) Chapter 9 (particularly Policy SI2 and Figure 9.2) .The first stage of the energy hierarchy is to reduce demand (be lean), the second stage is to supply energy locally and efficiently (be clean), and the third step is to use renewable energy (be green). The final step is to monitor, verify and report on energy performance (be seen).

Energy and carbon summary

10.11 The following summary table shows how the proposal performs against the policy targets for operational carbon reductions in major schemes, set out in the London Plan and Camden Local Plan.

<b>Policy requirement (on site)</b>	<b>Min policy target</b>	<b>Proposal reductions</b>
Be lean stage (low demand): LP policy SI2	N/A	60 %

Be green stage (renewables): CLP policy CC1	20%	8.4 %
Total carbon reduction: LP policy SI2 and LP CC1	N/A	63.3 %

10.12 The operational carbon savings and measures will be secured under an Energy and Sustainability Strategy secured by Section 106 legal agreement which includes monitoring, in compliance with the development plan.

Total carbon reductions

10.13 Reductions are measured against the baseline which are the requirements set out in the Building Regulations. Major refurbishments (where the total refurbished floor area is over 1,000sqm, even if the proposed uplift is not) should aim to achieve the greatest possible on-site reduction in regulated carbon emissions below the minimums set out in the building regulations (Part L of the Building Regulations 2021). Due to the new floor space forming a continuation of the existing floor space and the majority of the floorspace being refurbished areas then the baseline for refurbishments is considered to be the most appropriate in this case. Net zero carbon requirements do not apply and therefore carbon offset is not required.

10.14 In this case, the development indicates a significant reduction against the baseline for refurbishments achieving an overall on-site reduction of 63% below Part L requirements.

Be lean stage (reduce energy demand)

10.15 In this case, the development achieves a significant reduction against the baseline reducing emissions by 60% at this stage through energy efficient design, in compliance with the development plan. The proposals involve high performance insulation (walls 0.18 W/m<sup>2</sup>K, roof 0.15 W/m<sup>2</sup>K), low air permeability of 3m<sup>3</sup>/(h.m<sup>2</sup>), efficient glazing (1.3 W/m<sup>2</sup>K and g-value 0.28) with 40% wall to glazing ratio for extension and new facade, and addresses the requirements of the cooling hierarchy and overheating through external shading by structural elements and set back windows which can reduce the use of active cooling in the development. The proposal includes energy efficient measures like high efficiency lighting and MVHR.

Be green stage (renewables)

10.16 The development would only achieve an 8.4% reduction in emissions from onsite renewables. The proposed renewable technologies include the installation of PV panels at roof level and the use of air source heat pumps to provide heating, cooling and hot water. Officers pushed the applicant to consider increasing the array of PV panels given they are not meeting the 20% requirement; however, the applicant has confirmed that they have maximised the number of PV panels whilst balancing the overall number against the need to not overshadow the proposed green/blue roofs. This is accepted by officers, but the applicant is still encouraged to explore the

feasibility of increasing the PV array at detailed design stage. To secure this, a condition shall be imposed requiring the submission of a PV feasibility assessment with the aim of maximising the provision of solar photovoltaics whilst retaining the approved green roofs (condition 5). Full details of the air source heat pumps shall also be secured by condition (condition 6)

***Climate change adaption and sustainable design***

10.17 Local Plan policy CC2 expects non-residential developments involving an increase in floor area of 500sqm or more to meet BREEAM Excellent. The submitted pre-assessment indicates that 88.73% of credits will be targeted which would exceed the required overall Excellent requirement, with the following targets being met:

- Energy - 18 out of 24 (75%) available credits are targeted which would exceed the minimum requirement of 60%.
- Water - 7 out of 9 (77.8%) of available credits are targeted which would exceed the minimum requirement of 60%.
- Materials - 13 out of 13 (100%) of available credits are targeted which would exceed the minimum requirement of 40%.

10.18 The development plan (CLP policy CC3 and LP policy SI12 and SI13) also seeks to ensure development does not increase flood risk, reducing the risk of flooding where possible. Development should incorporate sustainable drainage systems (SUDS) and water efficiency measures.

10.19 In this case, the development incorporates sustainable drainage in the form of blue and green roofs. Given there are no proposed changes to the ground level of the building, the applicant is not proposing any additional below ground SuDS features which is accepted. It was queried whether additional green / blue roof could be installed but the difficulty of balancing the space requirements for plant, PV panels, outside amenity space and green roofs is acknowledged. The blue roof only covers half of the rooftop level, but this is due to the remaining roof form being louvred to provide ventilation to the proposed plant room. The applicant worked hard to reduce the additional height and massing of the proposed extension at officers' request during the design development, and as such it is accepted that there is limited scope to provide significant additional green / blue roof. Although officers accept it is unlikely the development could accommodate additional green / blue roof, full details of the sustainable drainage strategy shall be secured by condition, including the requirement to consider whether there are any opportunities for additional capacity (condition 7).

10.20 Flood risk is covered in the 'Flood risk and drainage' section of this report.

### **Overheating**

- 10.21 Policy CC2 states that active cooling will only be permitted where dynamic thermal modelling demonstrates there is a clear need for it after all of the preferred measures are incorporated in line with the cooling hierarchy.
- 10.22 The proposed design has been developed in line with the cooling hierarchy and incorporates the following measures:
- Minimising internal heat generation through energy efficient design – heat gain from lighting will be minimised with efficient lighting design and controls. Light transmittance of glazing will be optimised to maximise natural daylight.
  - Reduction of heat entering the building in summer - A thermal comfort analysis of the office spaces was undertaken using a g-value of 0.3 (standard). The results show it is insufficient to achieve thermal comfort and determined that a g-value of 0.28 from ground floor to the top level is appropriate for replaced windows. The glazing specifications have been derived after thermal comfort analysis considering solar gains targets, orientation, and exposure per floor.
  - Mechanical ventilation – a mixed-mode ventilation strategy is proposed with openable windows. Mechanical ventilation will be decentralised and specified with energy efficient Specific Fan Power.
- 10.23 An overheating assessment has been carried out in accordance with GLA guidance which demonstrates that even with the passive cooling measures proposed, the building is still at risk of overheating. Active cooling will therefore be provided by high efficiency ASHPs which is accepted.
- 10.24 Overall, the proposed energy and sustainability strategy is considered acceptable. Although the development would not meet the target of 20% reduction in emissions from on-site renewables, officers accept that this is due to the limited roof space available and the need to balance the competing priorities of also providing a viable green/blue roof. Despite this, the scheme would still deliver significant total carbon reductions of 63.3% which is welcomed, and the operational carbon savings and measures set out above will be secured under an Energy and Sustainability Strategy secured by Section 106 legal agreement, in compliance with the development plan.

## **11. AIR QUALITY**

- 11.1 The whole of the Borough of Camden was declared an Air Quality Management Area (AQMA) in 2002 due to concern over the achievement of long-term NO<sub>2</sub> AQS objective and short-term PM<sub>10</sub> AQS objective.

- 11.2 Camden's Local Plan requires the submission of air quality assessments for developments that could cause harm to air quality. Mitigation measures are expected in developments located in areas of poor air quality.

***Impacts on occupants***

- 11.3 The proposals are located in an area of poor air quality, where NO<sub>2</sub> concentrations exceed the 1 hour mean NO<sub>2</sub> Air Quality Objective level. Therefore, mechanical ventilation is required and all ventilation intakes should be fitted with filtration systems to reduce high NO<sub>2</sub> levels down to the levels within the national annual mean objective of 40µg/m<sup>3</sup>.
- 11.4 Any air inlets for the mechanical ventilation system should also be located as close to the roof level as possible and away from any busy roads and emission sources to minimise exposure. Full details of the mechanical ventilation system including air inlet locations and filters and a maintenance programme shall therefore be secured by condition (condition 4).

***Impacts on local air quality***

- 11.5 Heating and cooling for the offices shall be via Air Source Heat Pumps (ASHP) which are a non-combustion form of heating and therefore will not add to the air pollution in the area and are welcomed. No combustion heating is proposed.

***Construction impacts***

- 11.6 There will be limited demolition works as part of the development. The overall risk from the construction are determined to be low risk and appropriate mitigation measures are proposed to ensure this is negligible. These measures shall be secured as part of the Construction Management Plan secured by S106 agreement.

**12. FLOOD RISK AND DRAINAGE**

- 12.1 Camden Local Plan Policy CC3 is relevant with regards to flood risk and drainage. Major developments are expected to:
- Achieve greenfield run-off rates wherever feasible and as a minimum, 50% reduction in run off rates.
  - To include Sustainable Urban Drainage Systems (SuDS), unless demonstrated to be inappropriate.
  - To follow the drainage hierarchy in policy 5.13 of the London Plan.
  - To constrain run-off volumes to greenfield run-off volumes for the 1 in 100 year 6 hour event plus climate change.
- 12.2 Given the combined floor area of the extension and the refurbished areas would be over 1000sqm, the development is expected to strive to meet

these targets. As this is an aspiration, failure to comply with this would not form a reason for refusal.

- 12.3 In this case, the development incorporates sustainable drainage in the form of blue and green roofs which would reduce the run off from 36.7l/s to 22.95l/s in the event of a 1 in 100 year rainfall event. It is noted that whilst the run off from the catchment areas of the green / blue roof areas is greenfield run off rate, the proposals do not meet greenfield run off rates for the whole site area as green / blue roofs only cover a proportion of the roof area. As discussed in the sustainability section above, this is accepted and full details shall be secured by condition 7.

## **13. TRANSPORT**

### ***Policy Review***

- 13.1 Policy T1 of the Local Plan promotes sustainable transport by prioritising walking, cycling and public transport in the borough. Policy T2 seeks to limit the availability of car parking and requires all new developments in the borough to be car-free.
- 13.2 London Plan Policy T1 (Strategic approach to transport) states that Development Plans should support, and development proposals should facilitate, the delivery of the Mayor's strategic target of 90% of all trips in inner London to be made by foot, cycle, or public transport by 2041.
- 13.3 London Plan Policy T1 also states that all development should make the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking, and cycling routes, and ensure that any impacts on London's transport networks and supporting infrastructure are mitigated.
- 13.4 Policy T3 sets out how the Council will seek improvements to transport infrastructure in the borough. Policy T4 addresses how the Council will promote the sustainable movement of goods and materials and seeks to minimise the movement of good and materials by road.
- 13.5 Camden's Transport Strategy (CTS) aims to transform transport and mobility in Camden, enabling and encouraging people to travel, and goods to be transported, healthily and sustainably. The CTS sets out objectives, policies and measures for achieving this goal. As part of the CTS, the Transport department is conducting a public consultation on the Shaftesbury Avenue Safe and Healthy Streets Scheme which will include:
- new segregated cycle lanes on Shaftesbury Avenue,
  - establishing cycle links with the existing cycleways on Gower Street, Bloomsbury Way and Shaftesbury Avenue in the north, the Holborn

Liveable Neighbourhood, and other Safe and Healthy Streets projects within the area,

- changes to traffic management on New Compton Street, Stacey Street and Phoenix Street,
- footways widening, narrowing of side road junctions and introduction of new and improved pedestrian crossings, and
- St Giles Passage and Stacey Street improvements.

### ***Site location and access to public transport***

- 13.6 The site is located in the Central London area. The Site is bounded by Shaftesbury Avenue, New Compton Street, and St Giles Passage. Shaftesbury Avenue forms part of the Strategic Road Network (SRN). The Council is the highway authority for the roads surrounding the site and is therefore responsible for their maintenance. However, TfL has a duty under the Traffic Management Act 2004 to ensure that any development does not have an adverse impact on the SRN.
- 13.7 The site is easily accessible by public transport with a Public Transport Accessibility Level (PTAL) rating of 6b (excellent). The closest London Underground stations are Tottenham Court Road and Covent Garden, located approximately 300m north and 300m south east of the site, respectively. Tottenham Court Road station also provides Elizabeth Line services. Numerous bus stops serve the site from Cambridge Circus, St Giles High Street and Tottenham Court Road.
- 13.8 The site is easily accessible from the Strategic Cycle Network with Cycleway C10 to the east at Endell Street and C52 at Great Queen Street, although there is currently no high-quality cycle route on Shaftesbury Avenue itself; a “missing link” in Camden’s primary cycle network which the Council has ambitions to fill in, as part of their current consultation on the Shaftesbury Avenue Safe and Healthy Streets scheme.
- 13.9 The nearest Santander cycle hire docking station is located on Moor Street approximately 200m southwest of the site.
- 13.10 There are dedicated parking bays for dockless rental e-bikes and rental e-scooters in the area, namely on St Giles High Street, Earlham Street and Tower Street. However, these bays are already showing signs of overcapacity and increasing demand. Camden Transport has commissioned a project to identify Shared Transport Availability Level (STAL) which mirrors a PTAL rating, but in this case only including shared transport modes: Car Clubs, Santander bicycles, E-scooters and Cycle Hire bays. The Council’s aspiration is for the STAL score to be 6b in the area and it has plans to expand the network of shared mobility bays which could be funded by S106 contributions where appropriate.

### ***Trip generation***

13.11 The proposed development includes a provision of:

- 7,214 sqm of office space, with an uplift of 651 sqm, including flexible retail,
- 302 sqm of retail space, with an uplift of 112 sqm,
- 531 sqm of residential space, with no uplift.

13.12 The TRICS database was used to derive the anticipated total person multimodal trips generated by 651sqm uplift of office space. Considering the development is a car free proposal, there is a reduction in onsite car parking, and the availability of excellent public transport services, a significant proportion of trips are expected to be taken by foot, bicycle, or public transport.

13.13 Based on other developments in the area, it is anticipated that a high volume of the walking trips are likely to be made from Tottenham Court Road and Covent Garden Underground stations, bus stops at Cambridge Circus, St Giles High Street and Tottenham Court Road, and commercial, entertainment, shopping, and restaurant venues in Holborn.

13.14 Considering the increase in active travel to and from the site, the applicant will be requested to provide a financial contribution towards the aforementioned Shaftesbury Avenue Safe and Healthy Streets scheme. This will be secured as part of the Pedestrian, Cycling and Environmental Improvements contribution, discussed further below.

### ***Travel planning***

13.15 The applicant has submitted a travel plan in support of the application demonstrating a commitment to encouraging and promoting trips by sustainable modes of transport. If planning permission is granted, a full Travel Plan targeted towards staff and visitors outlining aims and objectives, active travel targets, action plan and monitoring shall be secured by S106 alongside an associated monitoring and measures contribution of £11,348.

### ***Access and permeability***

13.16 Access to the office and commercial uses is from Shaftesbury Avenue. Entrance points to the servicing area, cycle store and residential flats are all from New Compton Street. Servicing will take place from New Compton Street.

### ***Cycle parking***

13.17 The Council requires high quality cycle parking to be provided in accordance with Local Plan Policy T1, CPG Transport, the London Cycling Design Standards (LCDS), and London Plan Policy T5 for:



- Non-food retail: 1 long stay space per 250sqm for the first 1000 sqm, thereafter 1 space per 1000 sqm (GEA), and 1 short stay space per 60m for the first 1000 sqm, thereafter 1 space per 500 sqm (GEA),
- Business offices: 1 long stay space per 75 sqm (GEA), and 1 short stay space per 500sqm for the first 5,000sqm, thereafter 1 space per 5,000 sqm (GEA).

13.18 With an uplift of 651sqm office space and 309sqm non-food retail floor space, this would give the following requirements:

- 1 long stay and 5 short stay spaces for the ground floor retail spaces
- 8 long stay and 1 short stay space for the office use.

13.19 Secure long stay cycle parking will be provided within the lower ground level, accessed via a dedicated entrance and a cycle lift, the size of which meets the minimum requirements of the London Cycling Design Standards. 137 long stay spaces will be provided, comprising two tiers of cycle parking, with a capacity of up to 100 bikes, 21 lockers for folding bikes, 6 Sheffield stands with a capacity for up to 12 bikes, 2 e-bike charging stations, 2 accessible/non-standard bicycle parking spaces and a bike repair station. The cycle parking comprises 103 spaces for the office use, and 34 spaces for the ground floor commercial uses which would significantly exceed the London Plan and CPG Transport guidance. Although no short stay parking is provided, it is acknowledged that there is almost no external land within the owner's demise which could be used for the installation of short stay parking and there is already a good number of existing and planned short stay spaces within the vicinity of the site. Given the over-provision of long-stay parking, this is considered acceptable.

13.20 The installation of the required cycle parking prior to the occupation of the building shall be secured by condition (condition 14).

### ***Car parking and vehicle access***

13.21 The site is located in controlled parking zone CA-C (Single Yellow lines), which operates 08:30-18:30 Monday to Friday and 08:30-18:30 on Saturday, with 24hrs Residents Bays.

13.22 The development is proposed as car-free, which would be secured by legal agreement if planning consent is granted.

13.23 Regarding disabled parking, London Plan Policy T6.5 'Non-residential disabled persons parking,' section A states: '*...all non-residential elements should provide access to at least one on or off-street disabled persons parking bay.*' Furthermore, London Plan Clause 10.6.23 recommends: '*All proposals should include an appropriate amount of Blue Badge parking, providing at least one space even if no general parking is provided.*'

- 13.24 Paragraph 5.19 of the Camden Planning Guidance on Transport states: *‘For all major developments the Council will expect that disabled car parking is accommodated on-site.’* Paragraph 5.20 further informs: *‘...in any case the maximum distance Blue Badge holders should be expected to travel is 50 metres from the entrance to the site’.*
- 13.25 ‘National disability, accessibility and blue badge statistics: 2021 to 2022’ published on 18 January 2023, report that on 31 March 2022, 4.3% of the population held a Blue Badge, an increase of 3.6% since March 2021. Therefore, it is considered appropriate to seek an off-site contribution of £4,000 for a disabled parking space to be provided on the public highway in a suitable location within 50m from the site.
- 13.26 Officers expect the large majority of visitors and staff to travel to the site by sustainable modes of transport. However, there is potential for some visitors with electric vehicles to drive to the site with a view to parking in an ‘Electric Vehicles Only’ parking bay in the controlled parking zone. The uptake of electric vehicles is increasing significant, and there are many EV resident permit holders in the vicinity of the site. This would put pressure on infrastructure which has been provided primarily for local stakeholders. Transport Officers have therefore requested that an additional electric vehicle charging point (fast charger) be provided on the public highway in the general vicinity of the site. A financial contribution of £20,000 will be secured by legal agreement in accordance with Local Plan Policy A1 if planning permission were granted.

### ***Construction management***

- 13.27 Construction management plans are used to demonstrate how developments will minimise impacts from the movement of goods and materials during the construction process (including any demolition works). An outline Construction Logistics Plan was submitted. However, in absence of a principal contractor, the document lacks some of the necessary detail.
- 13.28 The site fronts Shaftesbury Avenue which forms part of the strategic road network and (planned) strategic cycle route network. Traffic congestion is a significant problem in this part of the borough, particularly during peak periods but often throughout the day on Monday to Friday. The Council’s primary concern is public safety, but we also need to ensure that construction traffic does not create (or add to existing) traffic congestion in the local area. The proposal is also likely to lead to a variety of amenity issues for local people (e.g., noise, vibration, air quality, temporary loss of parking, etc). The Council needs to ensure that the development can be implemented without being detrimental to amenity or the safe and efficient operation of the highway network in the local area.

- 13.29 The Council will expect construction vehicle movements to and from the site to be scheduled to avoid peak periods to minimise the impacts of construction on the transport network. The site is within the Cumulative Impact Area (CIA) where Saturday working is not permitted, unless agreed with Camden Council.
- 13.30 A CMP document will also be secured by legal agreement in accordance with Local Plan Policy A1 if planning permission is granted. This should be prepared using the Council's CMP proforma in line with LB Camden guidance on construction management. The applicant is requested to consider, with relevant Camden Officers, the emerging Shaftesbury Avenue Safe and Healthy Streets scheme (which incorporates the principal cycle network corridor noted above, as well as various measures on streets to the immediate north of Shaftesbury Avenue) and the cumulative impact from construction activities relating to emerging proposals for neighbouring sites at 125 and 135-147 Shaftesbury Avenue, when developing the document.
- 13.31 The development will require input from officers at knock-out and construction stage. This will relate to the development and assessment of the CMP as well as ongoing monitoring and enforcement of the CMP during demolition and construction.
- 13.32 An implementation support contribution of £30,513 and construction impact bond of £32,000 for the demolition and construction phases of the development works will therefore be secured by legal agreement in accordance with Local Plan Policy A1 if planning permission is granted.
- 13.33 The contractor will need to register the works with the Considerate Constructors' Scheme. The contractor will also need to adhere to the CLOCS standard for Construction Logistics and Community Safety.
- 13.34 A further requirement to form a construction working group consisting of representatives from the local community prior to commencement of demolition or construction will also be secured by legal agreement if planning permission is granted.

#### ***Deliveries and servicing***

- 13.35 The delivery, servicing and refuse collections are proposed to take place in line with the existing arrangements. Considering the Shaftesbury Avenue Safe and Healthy Streets scheme proposal and planned enhancement measures, the majority of servicing should be from New Compton Street.
- 13.36 A detailed DSP would be secured by legal agreement if planning permission were granted. This will help to ensure that any operational impacts associated with delivery and servicing movements will be mitigated. A DSP should be submitted for approval before the site becomes operational.

### ***Highway works***

- 13.37 The proposed development will require demolition and construction works which may cause damage to the public highway. A highways contribution of £30,000 will therefore be secured by legal agreement if planning permission is granted.

### ***Pedestrian, cycling and environmental improvements***

- 13.38 In line with the projected increase in walking and cycle trips generated by the development and further promoted by the Travel Plan, and the need for pedestrian, road safety and public realm enhancements, the Council will seek a contribution towards several improvement schemes to enhance the pedestrian and cycling environment in the vicinity of the site. The total contribution agreed with the applicant will be £90,000, which would be used towards:

- Shaftesbury Avenue Safe and Healthy Streets scheme, which includes
  - new segregated cycle lanes on Shaftesbury Avenue, from St Giles High Street to Charing Cross Road, to strengthen a north-south strategic cycling corridor, and establish links with the existing cycleways on Gower Street/Bloomsbury Way/Shaftesbury Avenue in the north, the Holborn Liveable Neighbourhood, and other Safe and Healthy Streets projects within the area,
  - new continuous footway across New Compton Street at the junction with St Giles High Street, and across Stacey Street at the junction with Shaftesbury Avenue,
  - pedestrian and cycle zone on St Giles Passage,
  - footway widening, narrowing of side road junctions and introduction of new pedestrian crossings.

### ***Micromobility improvements***

- 13.39 Parking bays for dockless rental e-bikes and rental e-scooters are located nearby. However, these merely provide capacity for existing usage by residents and people who work in or visit the area. The STAL analysis shows very low grades between 1a and 3 throughout the area which indicates significant opportunities for improvement, the aspiration (and target) for the STAL score to be 6b. Officers anticipate significant demand for more parking bays to be provided in the area should planning permission be granted. A cycle/e-scooter hire improvements contribution of £10,000 would therefore be secured as a Section 106 planning obligation if planning permission is granted. This would allow the Council to provide additional capacity for the parking of dockless rental e-bikes and rental e-scooters in the local area (e.g., by expanding existing bays and providing additional bays). Officers anticipate staff and visitors using these modes of transport

as an alternative to public transport, especially when their primary mode of transport is rail with a secondary trip by micromobility vehicles.

### **Conclusion**

13.40 The proposal is acceptable in terms of transport implications subject to the following planning obligations being secured by legal agreement:

- Travel Plan and associated monitoring and measures contribution of £11,348.
- Car-free development.
- £4,000 for a disabled parking space
- Electric vehicle charging infrastructure (fast charger) contribution of £20,000.
- Construction management plan (CMP), CMP implementation support contribution of £30,513 and CMP Impact Bond of £32,000.
- Requirement to form a construction working group consisting of representatives from the local community.
- Delivery and Servicing Plan.
- Highway works contribution of £30,000.
- Pedestrian, Cycling and Environmental Improvements contribution £90,000.
- Micromobility improvements contribution of £10,000.

## **14. REFUSE AND RECYCLING**

14.1 Camden Local Plan Policy CC5 (Waste) and Camden Planning Guidance (Design) are relevant with regards to waste and recycling storage and seek to ensure that appropriate storage for waste and recyclables is provided in all developments.

14.2 The proposed refuse arrangements will broadly follow the existing arrangements with access from New Compton Street as per the existing arrangement. As part of the proposed development, the office waste facilities will be improved, and enhanced facilities will be provided at ground floor level for waste sorting, storage and collection. A detailed Delivery and Servicing Plan would be secured by S106 legal agreement if planning permission were granted to help ensure that any operational impacts associated with servicing movements will be mitigated.

## **15. CONTAMINATED LAND**

15.1 The proposed development involves refurbishment of the existing building, with no soft landscaping at ground level. The Council's records suggest that there are no historic potentially contaminative land uses identified on the application site.

- 15.2 The Council's Environmental Health Officer has confirmed that the refurbishment of the building is therefore considered to pose a low risk to end users, with no introduction of new pathways/more sensitive receptors.
- 15.3 However, it is recommended that in the event that unexpected contamination is encountered during the development that the Council's Environmental Health team is contacted, and the site is fully assessed to enable a remediation plan to be developed. This shall be secured by condition (condition 32).

## **16. TREES, GREENING, AND BIODIVERSITY**

### ***Impact on trees, greening and biodiversity***

- 16.1 Local Plan policy A3 deals with biodiversity and expects development to protect and enhance nature conservation and biodiversity, securing benefits and enhancements where possible. It resists the removal of trees and vegetation of significant value and expects developments to incorporate additional trees and vegetation. This approach is supported by London Plan policy G5 which uses Urban Greening Factor (UGF) targets to evaluate the quality and quantity of urban greening for major development. The policy applies a target of 0.4 for mainly residential schemes, and 0.3 for mainly commercial schemes.
- 16.2 An Ecological Appraisal has been prepared by Hilson Moran which sets out how the proposed landscaping strategy will enhance the development through greening the amenity terraces throughout the building.
- 16.3 There are no trees on site; however, there are two off-site trees to the rear of the building on New Compton Street and three mature Plane trees to the front of the site on Shaftesbury Avenue. No trees are proposed to be removed in order to facilitate development, and full details of tree protection measures shall be secured by condition (condition 3).
- 16.4 The development will provide additional semi-natural habitats as well as further enhancements including a variety of landscaping elements across the building, large planters to the terrace on the eighth floor, a roof garden on the ninth floor and a biodiverse green roof at roof level. These measures would enhance the urban biodiversity of the site and full details of hard and soft landscaping and of the green roof would be secured by condition (conditions 8 and 11).
- 16.5 The London Plan uses the UGF scores to help objectively evaluate the quality and quantity of urban greening. As this is not major development, the requirement to achieve a minimum 0.3 Urban Greening Factor does not apply; however, the development has maximised greening where possible as mentioned above.

16.6 Given the above, the proposals are considered acceptable in nature conservation, landscape and biodiversity terms in line with the development plan.

### ***Statutory Biodiversity Net Gain***

16.7 As well as the requirements of the development plan, there are statutory requirements for 10% Biodiversity Net Gain (BNG).

16.8 BNG is a way of creating and improving natural habitats with a measurably positive impact ('net gain') on biodiversity, compared to what was there before development. Every grant of planning permission is deemed to have been granted subject to a condition which requires the submission of a Biodiversity Net Gain Plan (BGP) before development can commence, showing how the 10% gain will be met.

16.9 This gain can be achieved through onsite biodiversity gains, registered offsite biodiversity gains (for example, on other land or developments owned by the applicant), or by purchasing statutory biodiversity credits.

16.10 There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information provided, this scheme will not require the approval of a BGP because it is below the *de minimis* threshold. This is because it does not impact an onsite priority habitat and impacts less than 25 square metres of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat. The Ecological Appraisal demonstrates that the site has zero baseline units. Although the development is exempt from Biodiversity Net Gain, biodiversity enhancements will be provided with the additional greening which is welcomed.

## **17. EMPLOYMENT AND TRAINING OPPORTUNITIES**

17.1 The proposed development would be likely to generate increased employment opportunities during the construction phase as it is more than £3million construction costs. To ensure local people benefit from these opportunities in line with Local Plan policy E1, the Economic Development Team will work with the developer to deliver several benefits from the development.

### ***During construction***

- **Apprenticeships** - the applicant will be expected to recruit a construction apprentice, paid at least London Living Wage, for every £3million of build costs (or every 1,000sqm GIA newbuild) with a support fee of £1,700 per apprentice as per section 63 of the Employment sites and business premises CPG. Recruitment of construction apprentices should be conducted through the council's Euston Skills Centre (moved to a new

location hence a new name). With an estimated build cost of £27 million this would mean 9 construction apprentices and a £15,300 support fee.

- **Construction Work Experience Placements** - the applicant should provide 1 construction work placement opportunity of not less than 2 weeks, to be undertaken over the course of the development construction (based on one placement per 500sqm of new employment floor space). This would be recruited through the council's King's Cross Construction Skills Centre, as per section 69 of the Employment sites and business premises CPG.
- **Local Recruitment** - the applicant will work with the Euston Skills Centre to recruit to vacancies, targeting 20% local recruitment, advertising with Camden for no less than a week before the roles are advertised more widely.
- **Local Procurement** - the applicant will also sign up to the Camden Local Procurement Code, as per section 61 of the Employment sites and business premises CPG. This sets a target of 10% of the total value of the construction contract. The Economic Development Team will liaise and assist with the developer to provide details of local suppliers and subcontractors.

### ***Post construction***

- 17.2 Policy E2 of the Local Plan also encourages end uses to support employment opportunities through apprenticeships and training placements. The CPG advises this applies to major commercial developments which will result in a net increase of 1,000sq m (GIA) or more of employment space including office, hotel and leisure developments.
- 17.3 With an uplift of 763sqm, the proposed development does not meet the criteria for end use phase apprenticeships.
- 17.4 The development therefore only triggers construction phase measures as mentioned above which would be included in a package of Employment and Training measures secured by s106 agreement in accordance with Local Plan policy E1 and the CPG.

## **18. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 18.1 The CIL applies to all proposals which add 100m<sup>2</sup> of new floorspace or an extra dwelling. The amount to pay is the increase in floorspace (m<sup>2</sup>) multiplied by the rate in the CIL charging schedule. The final CIL liability will be determined by the CIL team.
- 18.2 The proposal will be liable for the Mayor of London's Community Infrastructure Levy (MCIL2) with an estimated liability of **£164,593.23**.
- 18.3 The proposal will also be liable for the Camden Community Infrastructure Levy (CIL). The site lies in Zone A where CIL is calculated using rates based



on the relevant proposed uses. The estimated Camden CIL liability is **£88,026.51**.

## 19. PLANNING OBLIGATIONS

19.1 The following contributions are required to mitigate the impact of the development upon the local area, including on local services. These heads of terms will mitigate any impact of the proposal on the infrastructure of the area.

<b>Contribution</b>	<b>Amount (£)</b>
Payment in lieu of on-site housing	£572,250.00
Highways contribution	£30,000
CMP implementation support contribution	£30,513
Construction Impact Bond	£32,000
Travel Plan monitoring contribution	£11,348
Pedestrian, Cycling and Environmental schemes	£90,000
Electric vehicle charging infrastructure (fast charger)	£20,000
Micromobility improvements contribution	£10,000
Disabled parking space	£4,000
Construction apprenticeships (x9) plus support fee and 1x work placement	£15,300

## 20. CONCLUSION

20.1 The proposed development is a well-considered scheme which would be in accordance with local and national policies.

20.2 With regard to land use, the proposals involve the refurbishment and intensification of the existing office function of the building with a flexible floorplate to cater for future changes in demand. The refurbishment to provide high quality, flexible office space and the intensification of the existing employment use within the Central Activities Zone would be in accordance with both local and national policies. No housing would be provided which is accepted after the applicant has demonstrated that the provision of a policy compliant mix of office and housing at the site would not be viable. The applicant has agreed to make a full policy compliant contribution of £572,250.00 which shall be secured by S106 agreement.

20.3 The existing building is not considered to make a positive contribution to the streetscene or to the setting of the adjacent Conservation Areas. The proposed development would be sympathetic, subordinate and of a high

standard of design quality and materiality which would enhance the character and appearance of the building and preserve the setting of the nearby heritage assets including the neighbouring grade II listed building.

- 20.4 Although the development would result in a loss of daylight / sunlight to a number of neighbouring windows at Pendrell House, these impacts are not considered to be so significant as to warrant refusal of the application on this ground. The proposed terraces and ground floor commercial uses are proposed to be controlled by condition to ensure there are no harmful impacts to neighbouring amenity by way of noise disturbance or loss of privacy.
- 20.5 The proposed development would not impact the local transport network or infrastructure and the proposals would form a sustainable form of development subject to the recommended conditions and S106 obligations.
- 20.6 Paragraph 10 of the NPPF states that at the heart of the Framework there is a presumption in favour of sustainable development so that sustainable development is pursued in a positive way. The dimensions of sustainable development are economic, social and environmental which should be sought jointly. The proposed development would result in benefits through all three strands of sustainable development without any adverse impacts significantly or demonstrably outweighing them. The proposal is considered to be a favourable sustainable development that is in accordance with relevant National and Regional Policy, the Camden Local Plan, Camden Planning Guidance and other supporting policy guidance for the reasons noted above.

## **21. RECOMMENDATION**

- 21.1 Grant conditional Planning Permission subject to a Section 106 Legal Agreement with the following heads of terms:
- Payment in lieu of on-site housing of £572,250.00
  - Car-free development
  - £4,000 for a disabled parking bay
  - Highways contribution £30,000
  - CMP and CMP implementation support contribution of £30,513
  - Construction Impact Bond of £32,000
  - Construction Working Group
  - Travel Plan and associated monitoring and measures contribution of £11,348
  - Delivery and Servicing Plan
  - Pedestrian, Cycling and Environmental contribution of £90,000
  - Electric vehicle charging infrastructure (fast charger) of £20,000
  - Micromobility improvements contribution £10,000

- Energy and Sustainability Strategy including BREEAM Excellent.
- Employment and Training package including 9 construction apprentices, 1 x work placement and a £15,300 support fee

## **22. LEGAL COMMENTS**

22.1 Members are referred to the note from the Legal Division at the start of the Agenda.

## 23. CONDITIONS

### ***Standard conditions***

#### **1 Time limit**

The development hereby permitted must be begun not later than 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 Approved drawings**

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

Existing Drawings:

1232\_PL-EX-S-01 P1, 1232\_PL-EX-S-02 P1, 1232\_PL-EX-B1 P1, 1232\_PL-EX-LG P1, 1232\_PL-EX-00 P1, 1232\_PL-EX-01 P1, 1232\_PL-EX-02 P1, 1232\_PL-EX-03 P1, 1232\_PL-EX-04 P1, 1232\_PL-EX-05 P1, 1232\_PL-EX-06 P1, 1232\_PL-EX-07 P1, 1232\_PL-EX-RF P1, 1232\_PL-EE-01 P1, 1232\_PL-EE-02 P1, 1232\_PL-EE-03 P1, 1232\_PL-ES-01 P1, 1232\_PL-ES-01 P1.

Demolition Drawings:

2793-HTS-XX-B2-DR-S-2080 P3, 2793-HTS-XX-B1-DR-S-2090 P3, 2793-HTS-XX-00-DR-S-2100 P3, 2793-HTS-XX-01-DR-S-2110 P3, 2793-HTS-XX-02-DR-S-2120 P3, 2793-HTS-XX-03-DR-S-2130 P3, 2793-HTS-XX-04-DR-S-2140 P3, 2793-HTS-XX-05-DR-S-2150 P3, 2793-HTS-XX-06-DR-S-2160 P3, 2793-HTS-XX-07-DR-S-2170 P3, 2793-HTS-XX-RF-DR-S-2180 P3, 2793-HTS-XX-XX-DR-S-2010 P3, 2793-HTS-XX-XX-DR-S-2011 P3, 2793-HTS-XX-XX-DR-S-2012 P3, 2793-HTS-XX-XX-DR-S-2015 P3, 2793-HTS-XX-XX-DR-S-2016 P3, 2793-HTS-XX-XX-DR-S-2500 P3, 2793-HTS-XX-XX-DR-S-2501 P3, 2793-HTS-XX-XX-DR-S-2502 P3.

Proposed Drawings:

1232\_PL-A-S-01 P1, 1232\_PL-GA-B1 P1, 1232\_PL-GA-LG P1, 1232\_PL-GA-LG P1, 1232\_PL-GA-01 P1, 1232\_PL-GA-02 P1, 1232\_PL-GA-03 P1, 1232\_PL-GA-04 P1, 1232\_PL-GA-05 P1, 1232\_PL-GA-06 P1, 1232\_PL-GA-07 P1, 1232\_PL-GA-08 P1, 1232\_PL-GA-09 P1, 1232\_PL-GA-RF P1, 1232\_PL-GE-01 P1, 1232\_PL-GE-02 P1, 1232\_PL-GE-03 P1, 1232\_PL-GS-01 P1, 1232\_PL-GS-02 P1, 1232\_PL-GS-03 P1, 1232\_PL-GS-04 P1.

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

### ***Pre-start conditions (any works)***

#### **3 Tree protection details**

Prior to the commencement of any works on site, details demonstrating how trees adjacent to the site are to be retained and protected during construction work shall be submitted to and approved by the local planning authority in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". The details shall include any pruning necessary which shall be undertaken in accordance with BS5837:2012 and best arboricultural practice. All trees surrounding the site shall be retained and protected from damage in accordance with the approved protection details.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017.

### ***Pre-start conditions (other than deconstruction or site clearance)***

#### **4 Details of mechanical ventilation**

Prior to commencement of development (excluding deconstruction and site clearance) on site, full details of the mechanical ventilation including air inlet locations and filters and a maintenance plan shall be submitted to and approved by the local planning authority in writing. Air inlet locations should be located away from sources of emissions to protect internal air quality. The development shall thereafter be constructed and maintained in accordance with the approved details.

Reason: To protect the amenity of residents in accordance with London Plan policy 7.14 and to safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies TC1, A1 and A4 of the Camden Local Plan 2017.

#### **5 Solar PV and green roofs**

Prior to commencement of development (excluding deconstruction and site clearance), a feasibility assessment with the aim of maximising the provision of solar photovoltaics whilst retaining the approved green roofs should be submitted to the local planning authority and approved in writing. The building shall not be occupied until the approved details have been implemented and these works shall be permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities and contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CC2 and CC3 of the Camden Local plan 2017.

## **6 Air source heat pumps**

Prior to commencement of above ground works (excluding deconstruction and site clearance), details, drawings and data sheets showing the location, Seasonal Performance Factor of at least 2.5 and Be Green stage carbon saving of the air source heat pumps and associated equipment to be installed on the building, shall have been submitted to and approved by the Local Planning Authority in writing.

The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. A site-specific lifetime maintenance schedule for each system, including safe access arrangements, shall be provided.

The equipment shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of policy CC1 of the London Borough of Camden Local Plan 2017.

## **7 SuDS: Further details**

Prior to commencement of above-ground works (excluding deconstruction and site clearance), full details of the sustainable drainage system including at least 24.52m<sup>3</sup> of blue roof and consideration of additional blue roof capacity shall be submitted to and approved in writing by the local planning authority. Such a system should be designed to accommodate all storms up to and including a 1:100 year storm with a 40% provision for climate change such that flooding does not occur in any part of a building or in any utility plant susceptible to water, or on any part of the entire development site for up to and including a 1:30 year storm. The details shall demonstrate a site run-off rate conforming to the greenfield run-off rate or other rate of no more than 31.85l/s for a 1 in 100 year plus 40% for climate change approved by the Local Planning Authority. An up to date drainage statement, SuDS proforma, a lifetime maintenance plan and supporting evidence should be provided including:

- Consideration of additional blue roof or other attenuation capacity to reduce the run off to as close to greenfield run off rate as possible
- The proposed SuDS or drainage measures including storage capacities
- The proposed surface water discharge rates or volumes
- Exceedances routes are provided and risks to people and property are minimised as far as possible
- Mitigation measures to protect the development against surface water flood risk.

Systems shall thereafter implemented in accordance with the approved details.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies CC2 and CC3 of the Camden Local Plan 2017 and Policy SI 13 of the London Plan 2021.

## **8 Blue / green roof details**

Prior to commencement of above-ground development (excluding deconstruction and site clearance), full details in respect of the blue/ green roof in the area indicated on the approved roof plan shall be submitted to and approved by the local planning authority. Details of the blue/green roof provided shall include: catchment area, storage volume, drainage rate, species, planting density, substrate and a section at scale 1:20 showing that adequate depth (expected to be at least 150mm for substrate) is available in terms of the construction and long term viability of the green roof, as well as details of the maintenance programme for green/blue roof. The buildings shall not be occupied until the approved details have been implemented and these works shall be permanently retained and maintained thereafter.

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

### ***Prior to relevant works***

## **9 Details of green or living roof**

Prior to commencement of the relevant works, full details of the living roofs in the areas indicated on the approved roof plan shall be submitted to and approved in writing by the local planning authority. The details shall include:

- a) a detailed scheme of maintenance
- b) sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used
- c) 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, CC4, D1, D2 and A3 of the London Borough of Camden Local Plan 2017.

## **10 Detailed design drawings and samples**

Notwithstanding the details shown on the approved plans, prior to the commencement of the relevant works, 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 before the relevant part of the work is begun:

a) Detailed drawings including plans, coloured elevations and sections of all windows (including jambs, head and cill), external doors, screening, balconies, balustrades, parapets, planters and associated elements at a scale of 1:20;

b) Plan, coloured elevation and section drawings of the new shopfronts at a scale of 1:20;

c) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site). Sample bay panel of materials to be provided at a suitable size (provided on site / at agreed location for review) to include typical window with all neighbouring materials and details; and

d) Plan, coloured elevation and section drawings of a typical brick bay and the corner tower element at a scale of 1:20.

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 of the Camden Local Plan 2017.

### ***Prior to occupation or use***

#### **11 Landscaping details**

Notwithstanding the details shown on the approved plans, prior to occupation, full details of the landscaping to the 8<sup>th</sup> and 9<sup>th</sup> floor terraces shall be submitted to and approved in writing by the local planning authority. Details shall include species, indicative images and details of the maintenance programme. The building shall not be occupied until the approved details have been implemented and these works shall be permanently retained and maintained thereafter.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies A2, A3, and D1 of the Camden Local Plan 2017.

#### **12 SuDS: evidence of installation**

Prior to occupation, evidence that the system has been implemented in accordance with the approved details as part of the development shall be submitted to the Local Planning Authority and approved in writing. The systems shall thereafter be retained and maintained in accordance with the approved maintenance plan.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with



policies CC2 and CC3 of the Camden Local Plan 2017 and Policy SI 13 of the London Plan 2021.

### **13 Waste and refuse storage**

The refuse and recycling facility as approved shall be provided prior to the first occupation of the development and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policy CC5, A1 and A4 of the London Borough of Camden Local Plan 2017.

### **14 Cycle parking**

Prior to the occupation of the development, the cycle storage areas (including 112 cycle parking spaces, 2 spaces for recumbent bicycles, 21 lockers for folding bikes, and 2 e-bike charging stations) shall be provided in their entirety prior to the first occupation of the development, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the Camden Local Plan 2017 and Policy T5 of the London Plan 2021.

### **15 Noise limits for plant**

Prior to commencement of installation of any plant equipment, full details (including plans, elevations, manufacturer specifications and sections) of the proposed plant equipment and enclosure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the external noise level emitted from plant/ machinery/ equipment and mitigation measures as appropriate.

The measures shall ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the typical background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. Approved details shall be implemented in accordance with the details approved prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the site and surrounding properties is not adversely affected by noise from mechanical installations and equipment in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

### **16 NO2 filtration details**

Prior to occupation, evidence that an appropriate NO2 filtration system on the mechanical ventilation intake has been installed and a detailed mechanism to secure maintenance of this system should be submitted to the Local Planning Authority and approved in writing.

Reason: To safeguard the amenities of the prospective occupiers, adjoining premises and the area generally in accordance with the requirements of policies A1, CC1, CC2 and CC3 of the Camden Local Plan 2017.

### **17 Bird and bat boxes**

Prior to first occupation of the development a plan showing details of bird and bat box locations and types and indication of species to be accommodated shall be submitted to and approved in writing by the local planning authority. The boxes shall be installed in accordance with the approved plans prior to the occupation of the development and thereafter retained.

Reason: In order to secure appropriate features to conserve and enhance wildlife habitats and biodiversity measures within the development, in accordance with the requirements of policy A3 of the Camden Local Plan 2017.

### ***Compliance conditions***

### **18 Unit 1 controls**

Access and egress to the Sui Generis/Class E unit shown as 'Unit 1' on drawing no. 1232\_PL-GA-00 P1 by customers and staff shall only be via Shaftesbury Avenue and all windows to the New Compton Street elevation shall be fixed shut at all times. The bifold windows shown on drawing no.1232\_PL-GE-02 P1 to St Giles Passage shall be fixed shut after 22:00 Monday to Sunday.

Reason: To ensure that the use of the unit does not adversely affect the amenity of the adjoining premises or immediate area by way of noise and disturbance, in accordance with policies G1, A1 and A4 of the Camden Local Plan 2017.

### **19 Unit 1 hours of use**

The Sui Generis/Class E unit shown as 'Unit 1' on drawing no. 1232\_PL-GA-00 P1 shall not be open outside the following hours:

08:00 to 00:00 Monday to Sunday.

Reason: To ensure that the use of the unit does not adversely affect the amenity of the adjoining premises or immediate area by way of noise and disturbance, in accordance with policies G1, A1 and A4 of the Camden Local Plan 2017.

### **20 Unit 2 hours of use**

The proposed Class E unit shown as 'Unit 2' on drawing no. 1232\_PL-GA-00 P1 shall not be open outside the following hours:

06:00 to 21:00 Monday-Friday, 08:00-21:00 on Saturdays, and 09:00-21:00 on Sundays.

Reason: To ensure that the use of the unit does not adversely affect the amenity of the adjoining premises or immediate area by way of noise and disturbance, in accordance with policies G1, A1 and A4 of the Camden Local Plan 2017.

## **21 Controlling use – Unit 2**

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2020, or the Town and Country Planning (General Permitted Development) Order 2015 (or any orders revoking and re-enacting those orders with or without modification), the Class E Unit shown as ‘Unit 2’ on drawing no. 1232\_PL-GA-00 P1 shall not be used for the sale of food and drink where consumption of that food and drink is mostly undertaken on the premises (Class E(b)), or for any industrial process (Class E(g)(iii)).

Reason: To ensure that the future occupation of the building does not adversely affect the adjoining premises or immediate area by way of noise, in accordance with policies G1, A1 and A4 of the Camden Local Plan 2017.

## **22 Controlling use – Roof terraces**

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2020, or the Town and Country Planning (General Permitted Development) Order 2015 (or any orders revoking and re-enacting those orders with or without modification), the 8<sup>th</sup> floor roof terrace shown on drawing no. 1232\_PL-GA-08 P1 and the 9<sup>th</sup> floor roof garden shown on drawing no. 1232\_PL-GA-09 P1 shall not be used in association with any Class E(b) use for the sale of food and drink where consumption of that food and drink is mostly undertaken on the premises.

Reason: To ensure that the future occupation of the building does not adversely affect the adjoining premises or immediate area by way of noise, in accordance with policies G1, A1 and A4 of the Camden Local Plan 2017.

## **23 Roof terraces**

No flat roofs within the development shall be used as terraces/amenity spaces unless marked as such on the approved plans, without the prior approval in writing of the Local Planning Authority.

Reason: To safeguard the amenities of the future occupiers and adjoining neighbours in accordance with the requirements of policy A1 of the Camden Local Plan.

## **24 Terrace hours of use**

The use of the roof terraces at levels 8 and 9 associated with the office use shall not be carried out outside the following times 0800-2000 Mondays to Saturdays.

Reason: To safeguard the amenities of the nearest residential properties and the area generally in accordance with the requirements of policies G1, A1, A4 and TC2 of the London Borough of Camden Local Plan 2017.

## **25 No audible music played on terrace**

No music shall be played on the approved terraces 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, D1, A1, and A4 and TC1 and TC2 of the London Borough of Camden Local Plan 2017.

## **26 Non-road mobile machinery (NRMM)**

No non-road mobile machinery (NRMM) shall be used on the site unless it is compliant with the NRMM Low Emission Zone requirements (or any superseding requirements) and until it has been registered for use on the site on the NRMM register (or any superseding register).

Reason: To safeguard the amenities of the adjoining occupiers, the area generally and contribution of developments to the air quality of the borough in accordance with the requirements of Camden Local Plan policies A1 and CC4.

## **27 Anti-vibration isolators for plant**

Prior to use, machinery, plant or equipment 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 ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017

## **28 No additional external fixtures**

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent or superseding orders, no lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, satellite dishes or rooftop 'mansafe' rails shall be fixed or installed on the external face of the building, without the prior approval in writing of the local planning authority.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the Camden Local Plan 2017.

## **29 Delivery and refuse items**

All refuse and recycling bins, delivery cages, trolleys and any other items linked to deliveries and collection in association with the development hereby permitted are to be stored within the buildings and only brought out onto the public highway when deliveries are being made or refuse collected and returned to within the building immediately thereafter.

Reason: In the interests of visual amenity and to prevent obstruction and inconvenience to users of the public highways, in accordance with policies A1, CC5 and T1 of the Camden Local Plan 2017.

### **30 External doors**

All external doorways, except for fire doors or for access to utilities, should not open outwards towards the public highway/footway/courtyard spaces. The proposed doors must either open inwards or have a sliding door so they do not restrict the flow of pedestrians or risk being opened onto those passing by.

Reason: In order to enhance the free flow of pedestrian movement and promote highway safety and amenity in accordance with policies D1 and T1 of the Camden Local Plan 2017.

### **31 Demolition waste**

The demolition hereby approved shall divert at least 95% of demolition waste from landfill and comply with the Institute for Civil Engineer's Demolition Protocol and either reuse materials on-site or salvage appropriate materials to enable their reuse off-site. Prior to occupation, evidence demonstrating that this has been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development contributes to reducing waste and supporting the circular economy in accordance with the requirements of Policy CC1 of the Camden Local Plan 2017 and Policy SI 7 of the London Plan 2021.

### **32 Contaminated land**

If during construction/demolition works, evidence of potential contamination is encountered, works shall cease and the site shall be fully assessed to enable an appropriate remediation plan to be developed. Works shall not recommence until an appropriate remediation scheme has been submitted to, and approved in writing by, the local planning authority and the remediation has been completed. Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to, and improved in writing by, the local planning authority.

Reason: To protect future occupiers of the development from the possible presence of contamination in accordance with policies G1, D1, A1, and DM1 of the Camden Local Plan 2017.

## **24. INFORMATIVES**

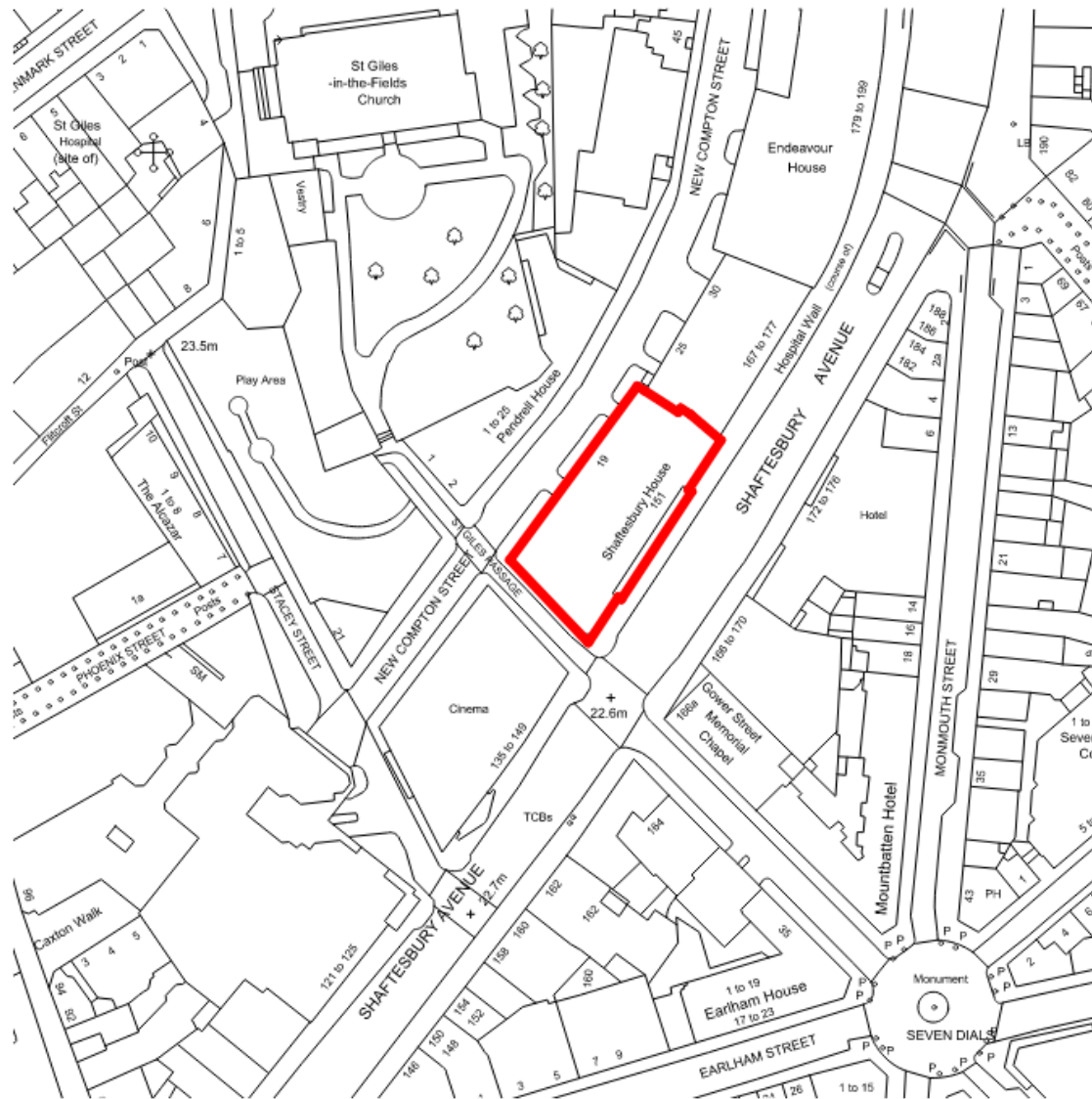
1. This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice

PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at [www.camden.gov.uk/cil](http://www.camden.gov.uk/cil) for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.

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. 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.
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).
5. 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.
6. 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.
7. This permission is granted without prejudice to the necessity of obtaining consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Application forms may be obtained from the

Council's website, [www.camden.gov.uk/planning](http://www.camden.gov.uk/planning) or the Camden Contact Centre on Tel: 020 7974 4444 or email [env.devcon@camden.gov.uk](mailto:env.devcon@camden.gov.uk)).

- 8.** Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 9.** Mitigation measures to control construction-related air quality impacts should be secured within the Construction Management Plan as per the standard CMP Pro-Forma. The applicant will be required to complete the checklist and demonstrate that all mitigation measures relevant to the level of identified risk are being included.
- 10.** You are advised that e-bike charging points should be installed in accordance with the London Fire Brigade Fire Safety Guidance Note GN103: Guidance and principles for the charging and storage for electric powered personal vehicles Version 1, 27 July 2023, or any subsequent amendment to that guidance.







1. ODEON CINEMA (GRADE II LISTED)



2. ELMS LESTER PAINTING ROOMS (GRADE II LISTED)



3. CHURCH OF ST GILES-IN-THE-FIELDS (GRADE I LISTED)



4. PHOENIX THEATRE (GRADE II LISTED)




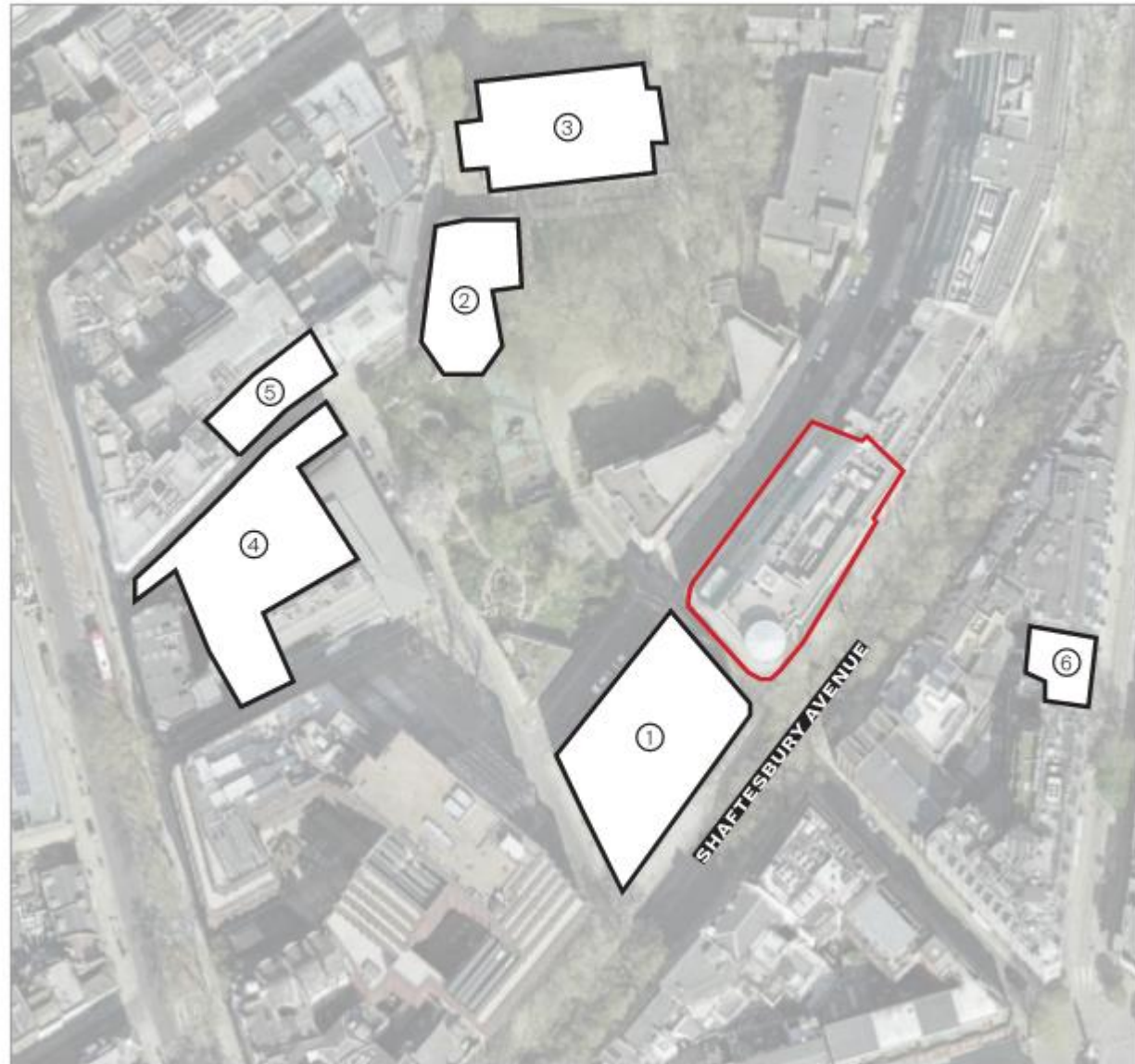
5. WAREHOUSE WITH OPEN PLAN OFFICES (GRADE II LISTED)



6. ROW OF TERRACED HOUSES (GRADE II LISTED)

**KEY**

-  APPLICATION SITE
-  LISTED BUILDINGS



SITE LOCATION PLAN





Figure 5.1: The existing building upon the site from Shaftesbury Avenue



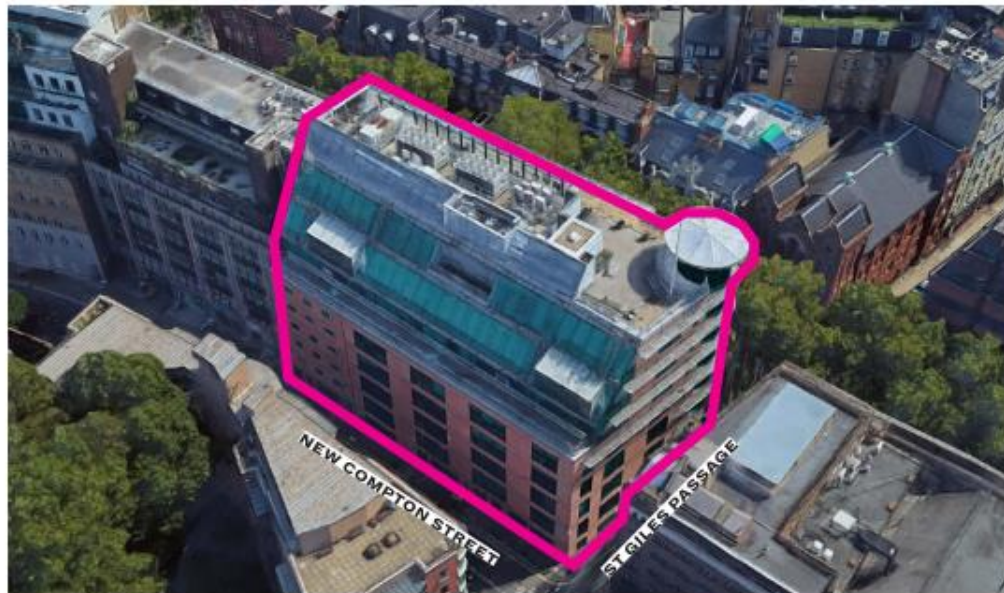
Figure 5.3: The existing building upon the site from Mercer Street



Figure 5.2: The existing building upon the site from New Compton Street



Figure 5.4: The existing building upon the site from New Compton Street



North Elevation Top View



South Elevation Top View





SHAFTESBURY AVENUE MAIN ENTRANCE VIEW

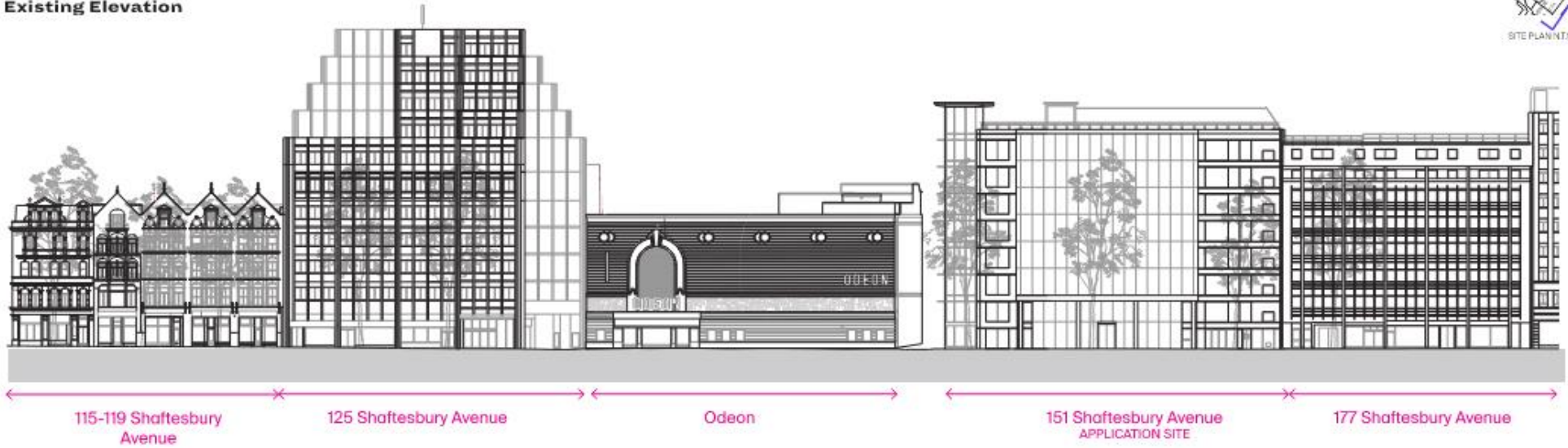


RETAIL ENTRANCE CORNER VIEW

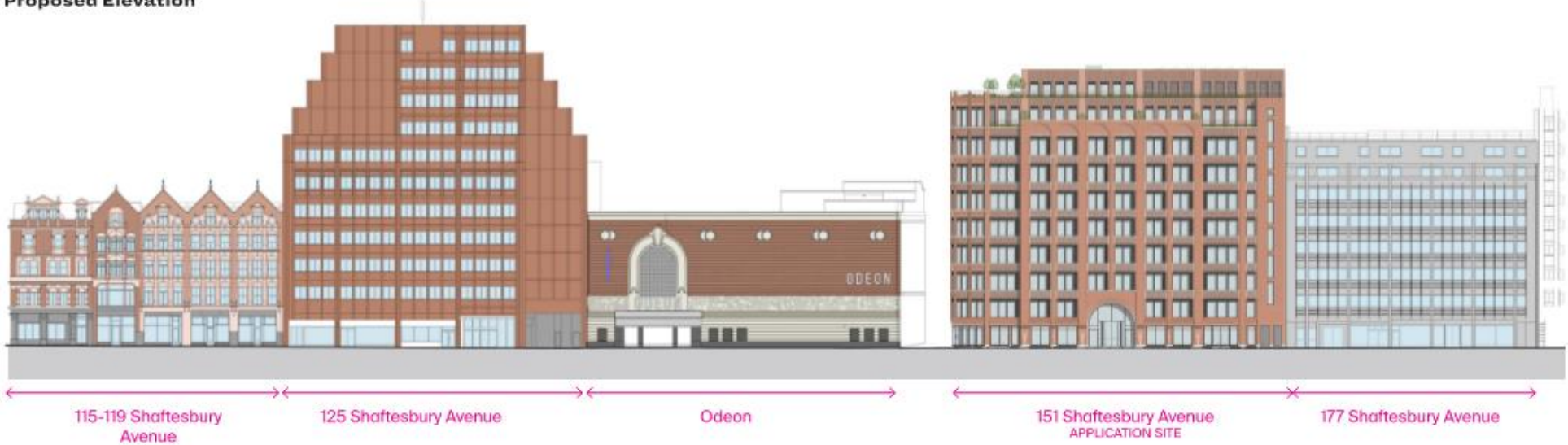
# Shaftesbury Avenue Elevations - Existing & Proposed



## Existing Elevation

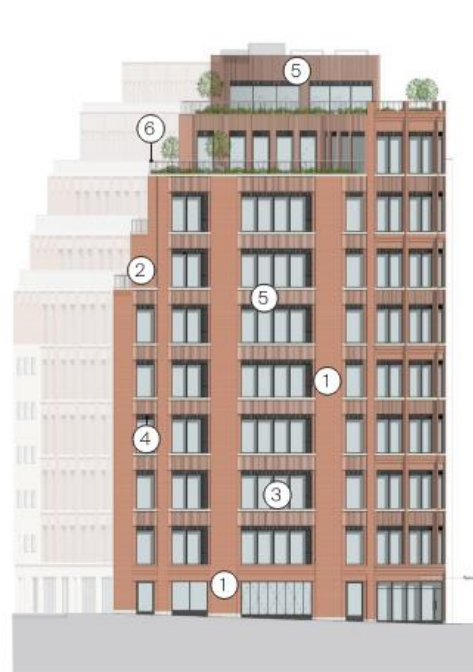


## Proposed Elevation





NEW COMPTON STREET ELEVATION



ST GILES PASSAGE ELEVATION



SHAFTESBURY AVENUE ELEVATION

**Proposed Materials**

1. Panelised brick facade.
2. Reconstituted stone copings.
3. PPC metal framed windows.
4. PPC metal louvers (vertical fins) above windows & to openable side vents.
5. GRC panels to upper floors, corner & lintels.
6. Painted metal balustrades.
7. PPC metal louvres (vertical fins) to plant area openings.

01

# Proposed Facade Design & Materiality - Bay Studies



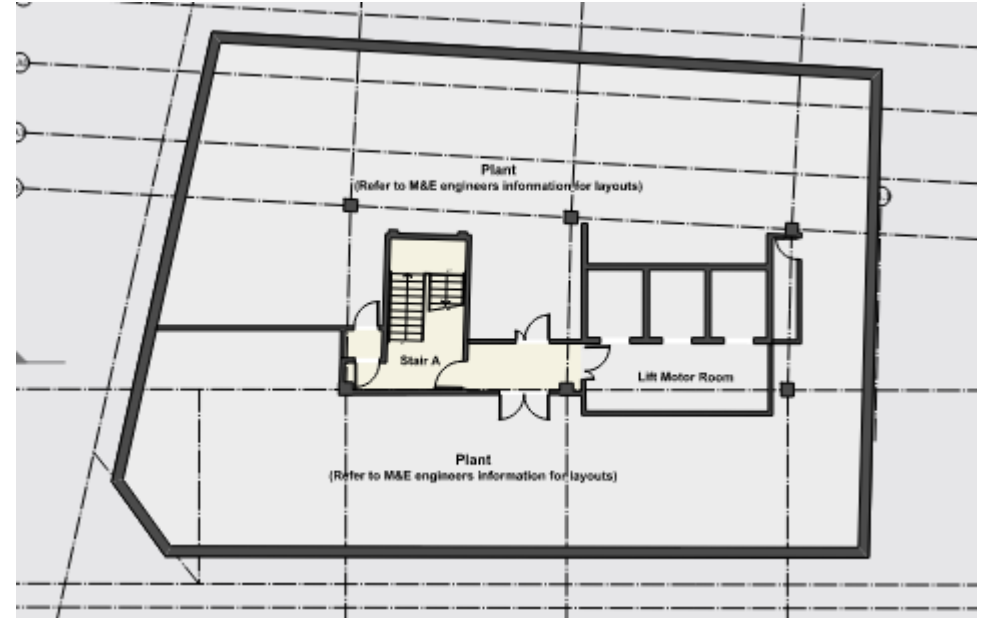
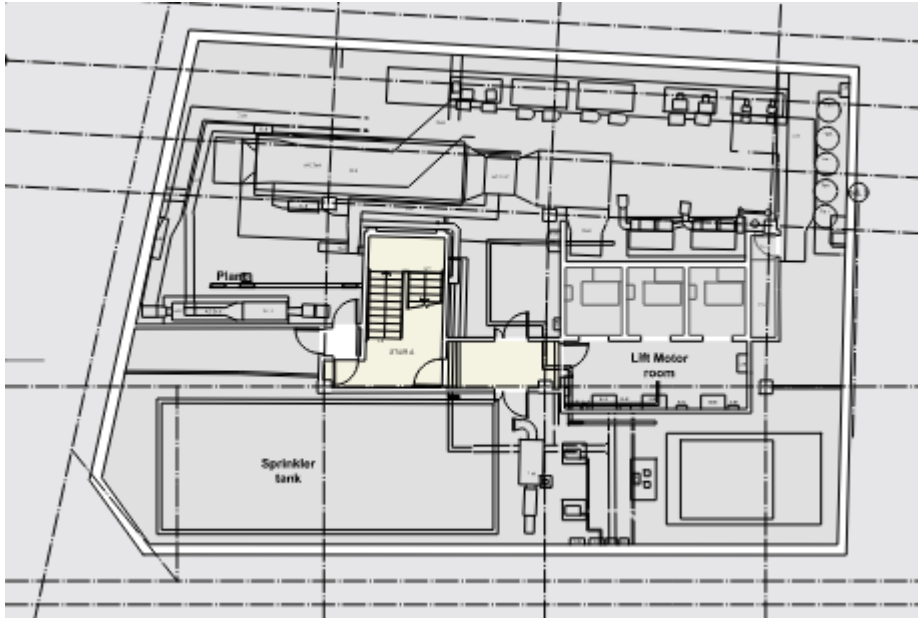
## Proposed Materials

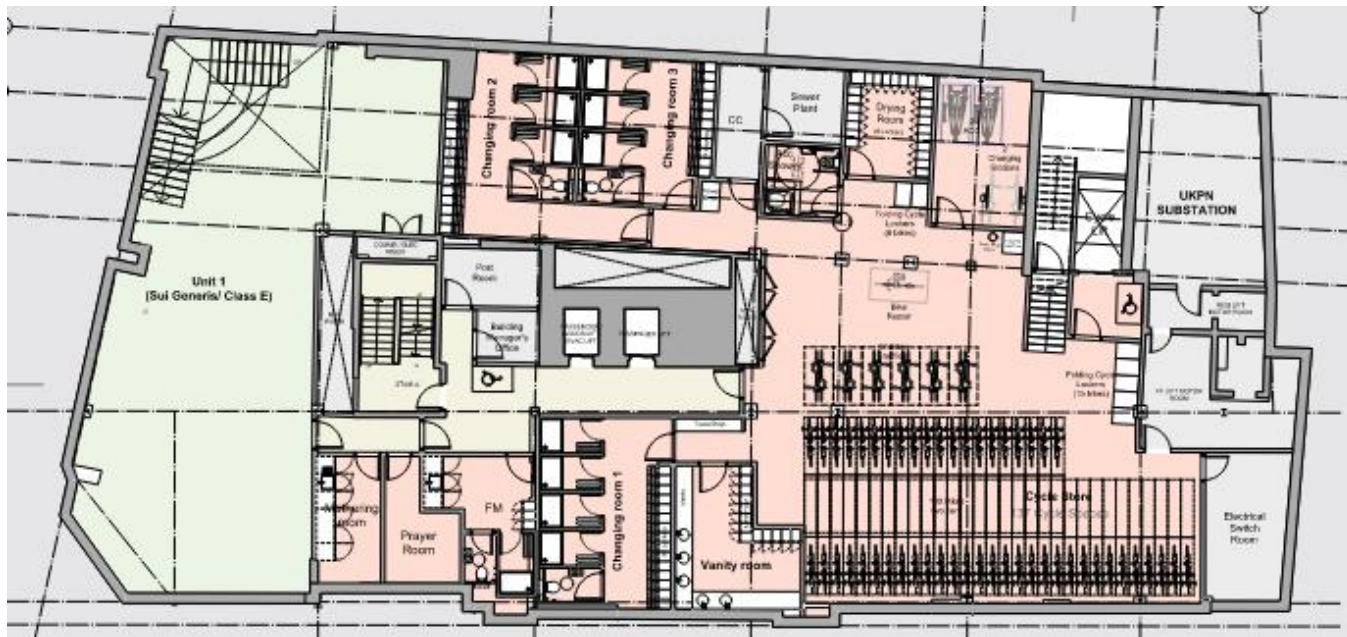
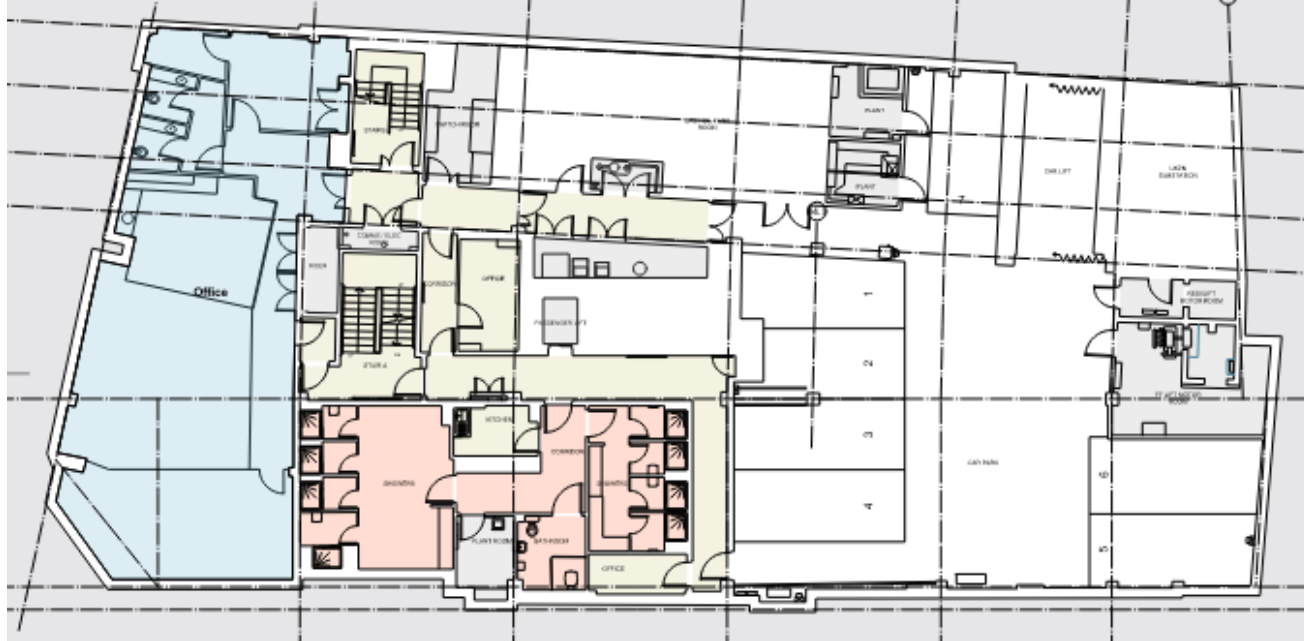
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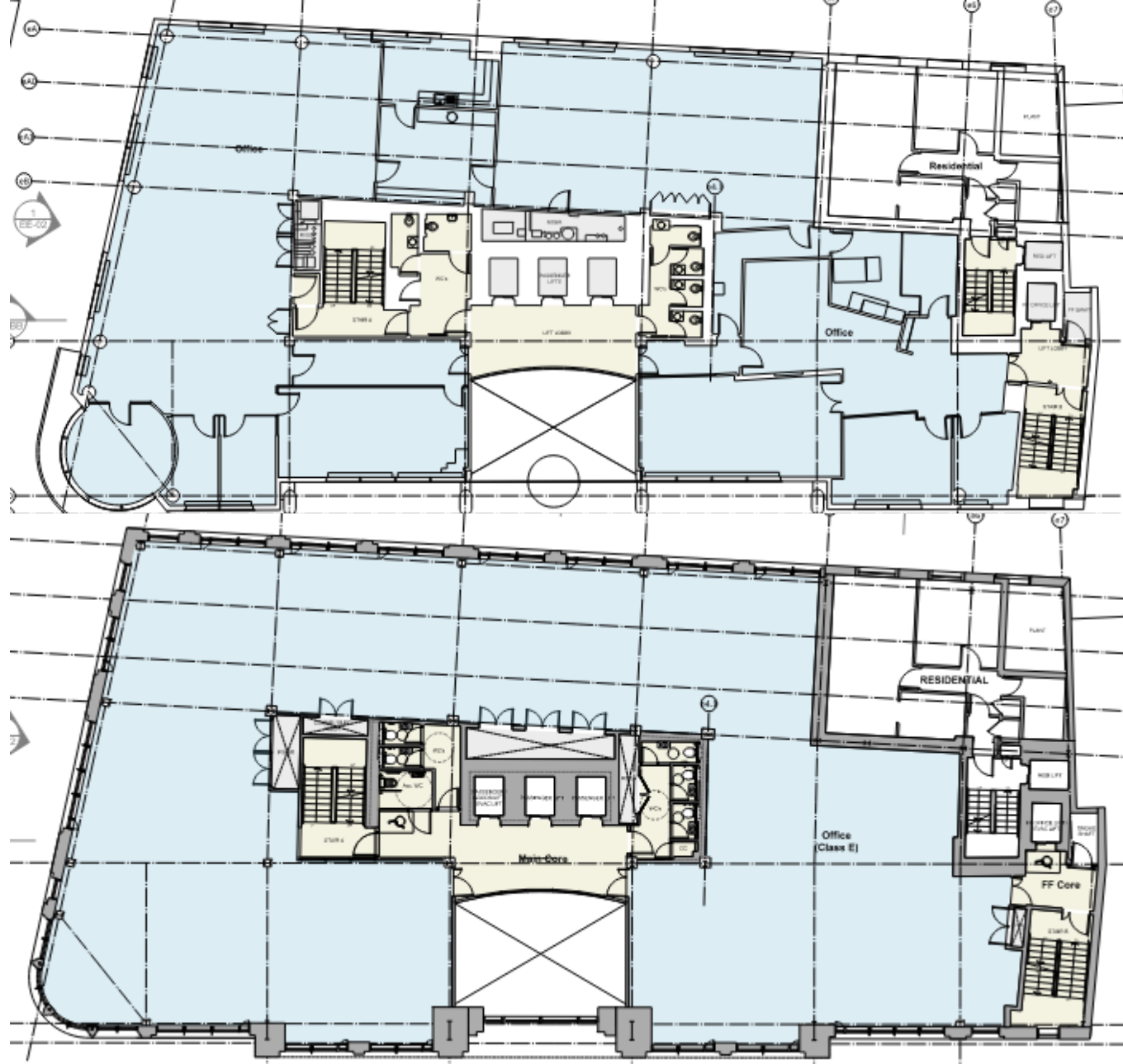


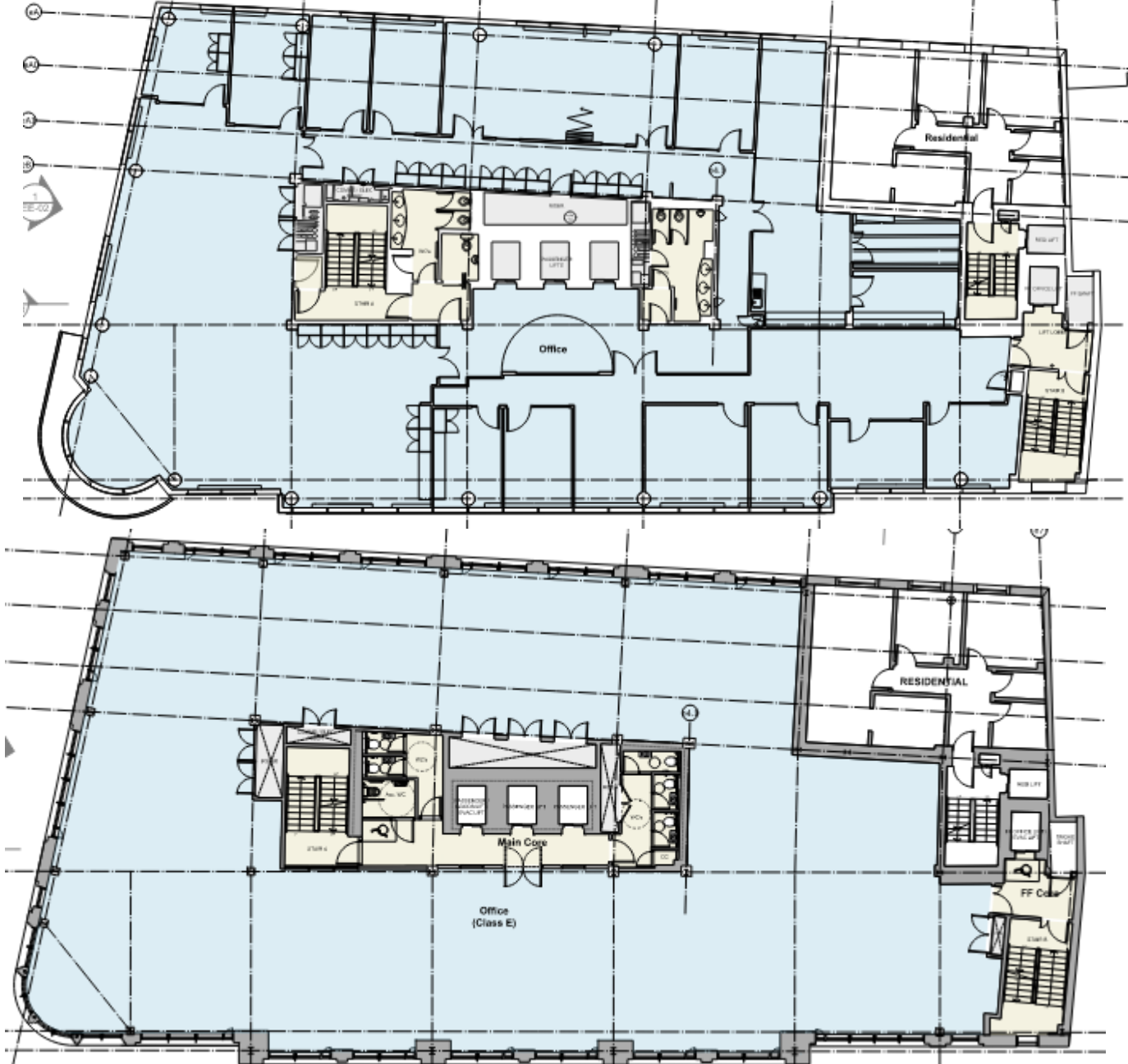


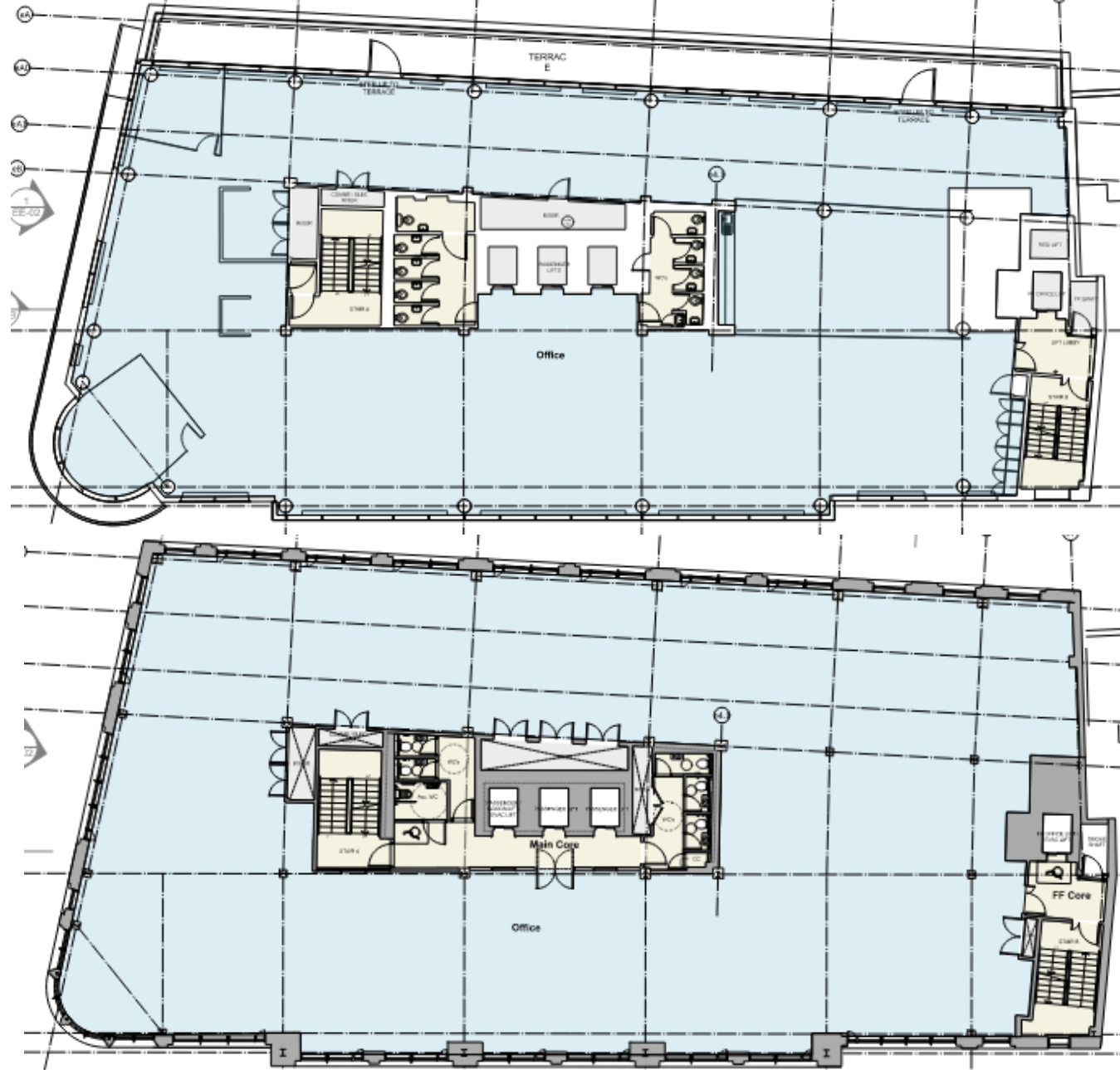






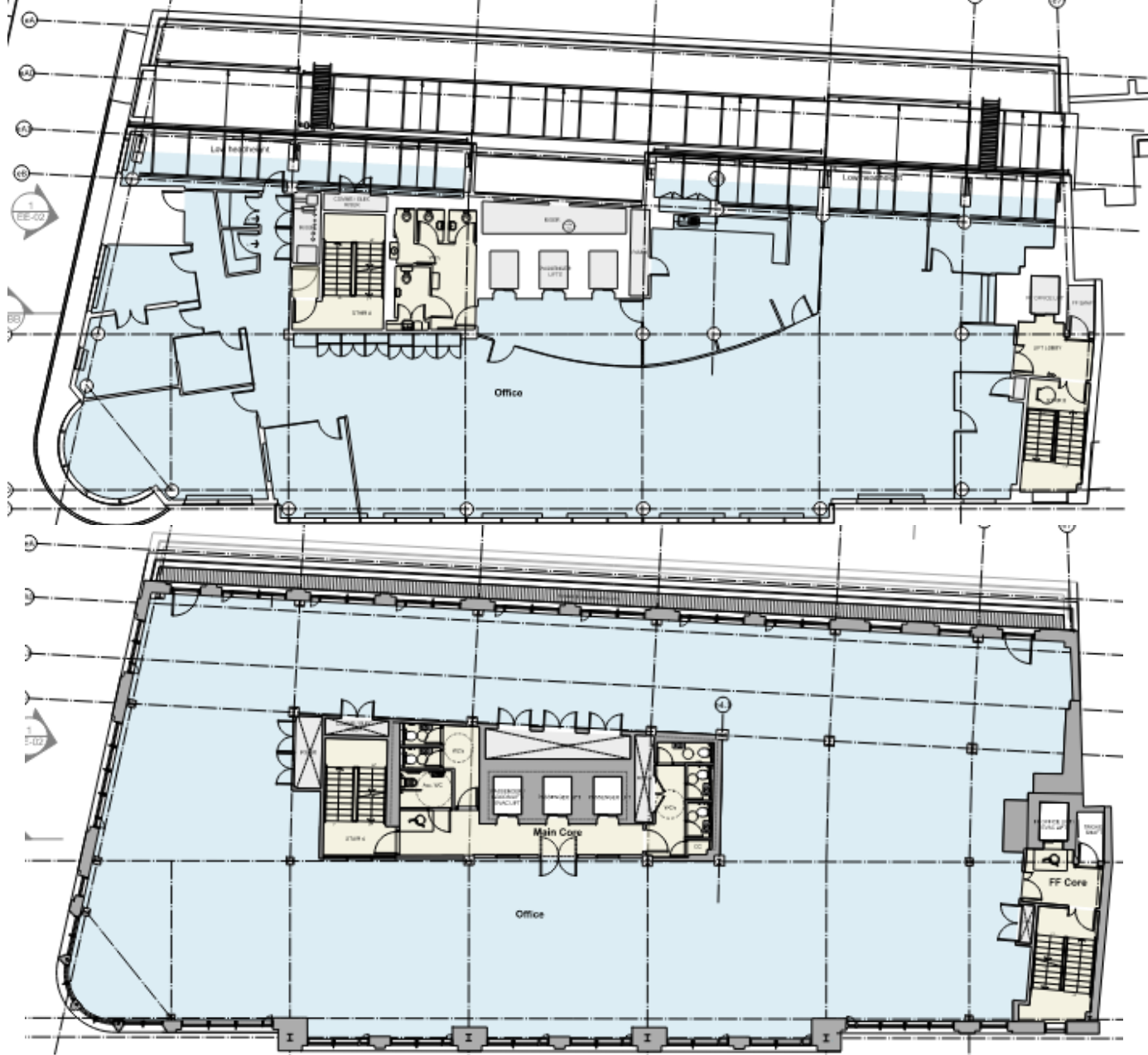


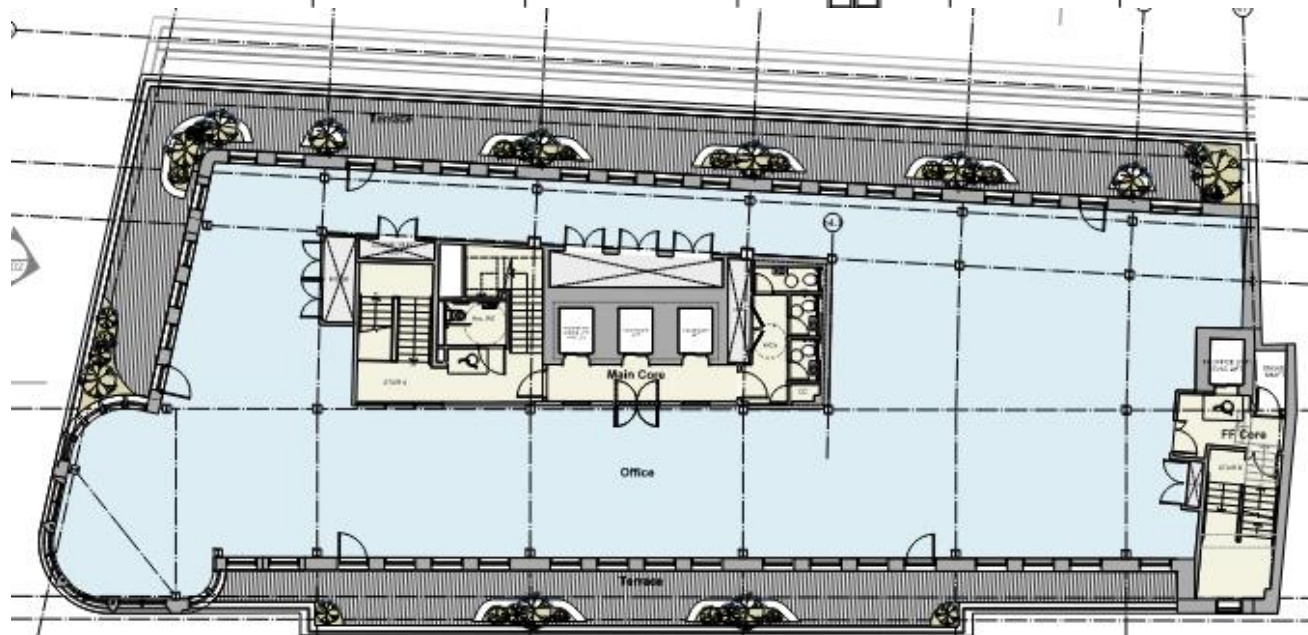
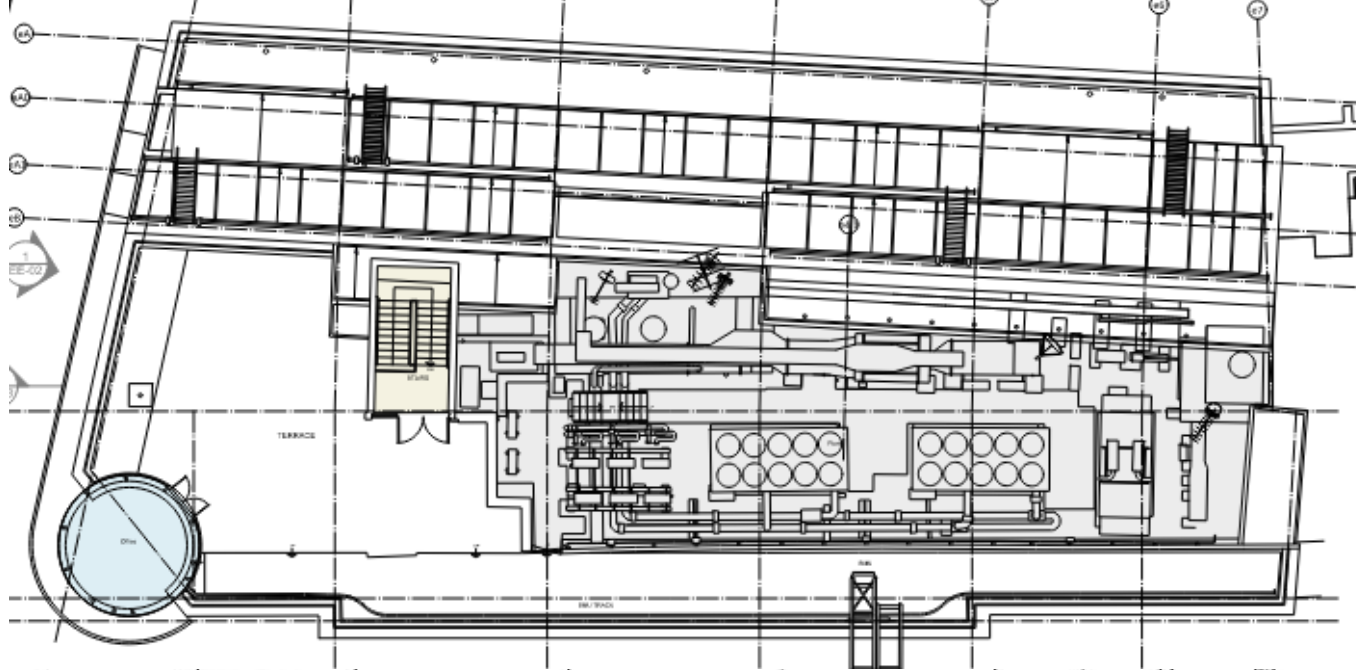


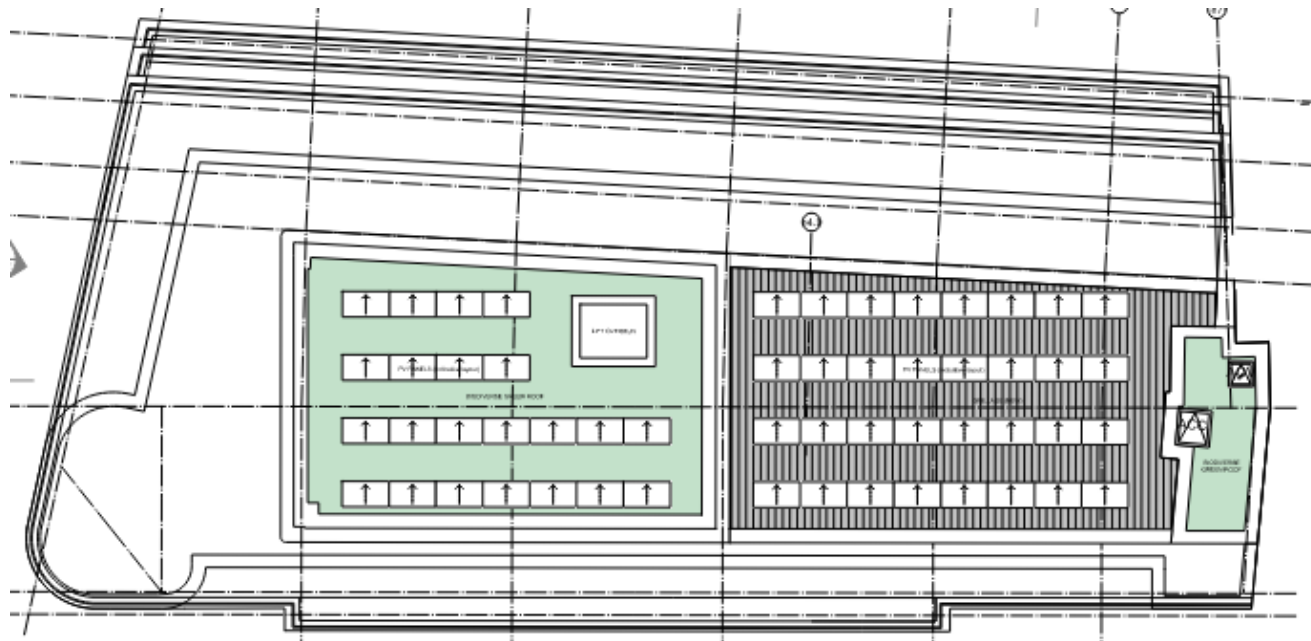
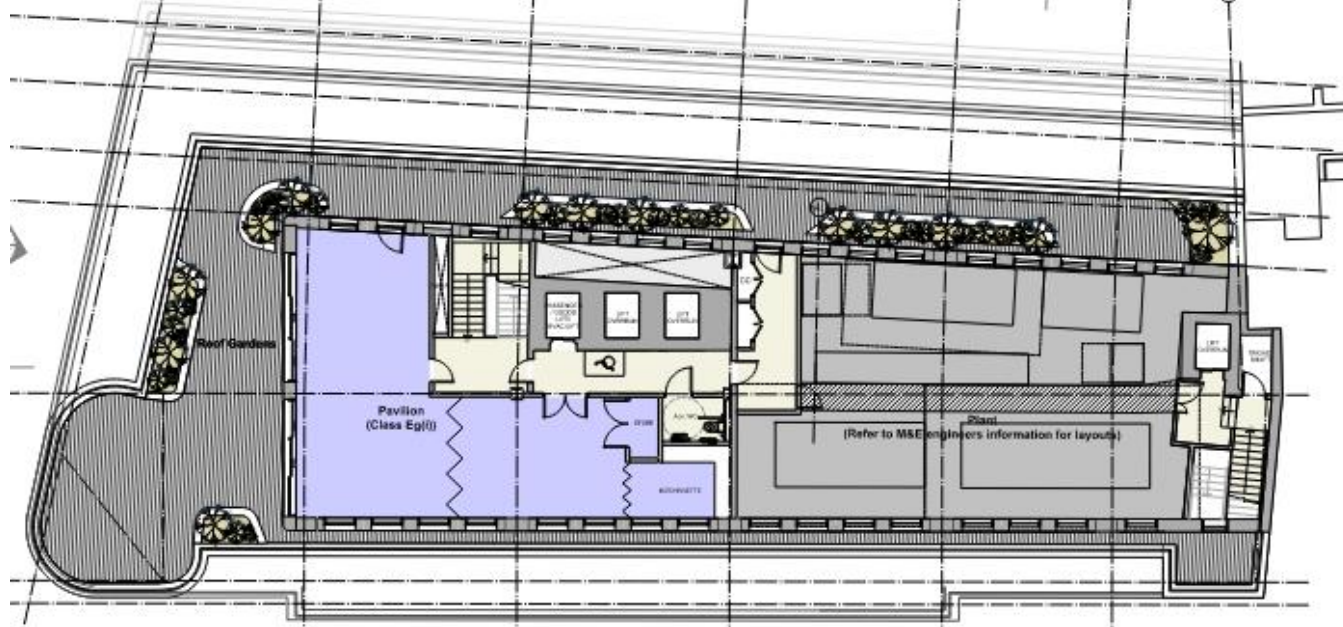


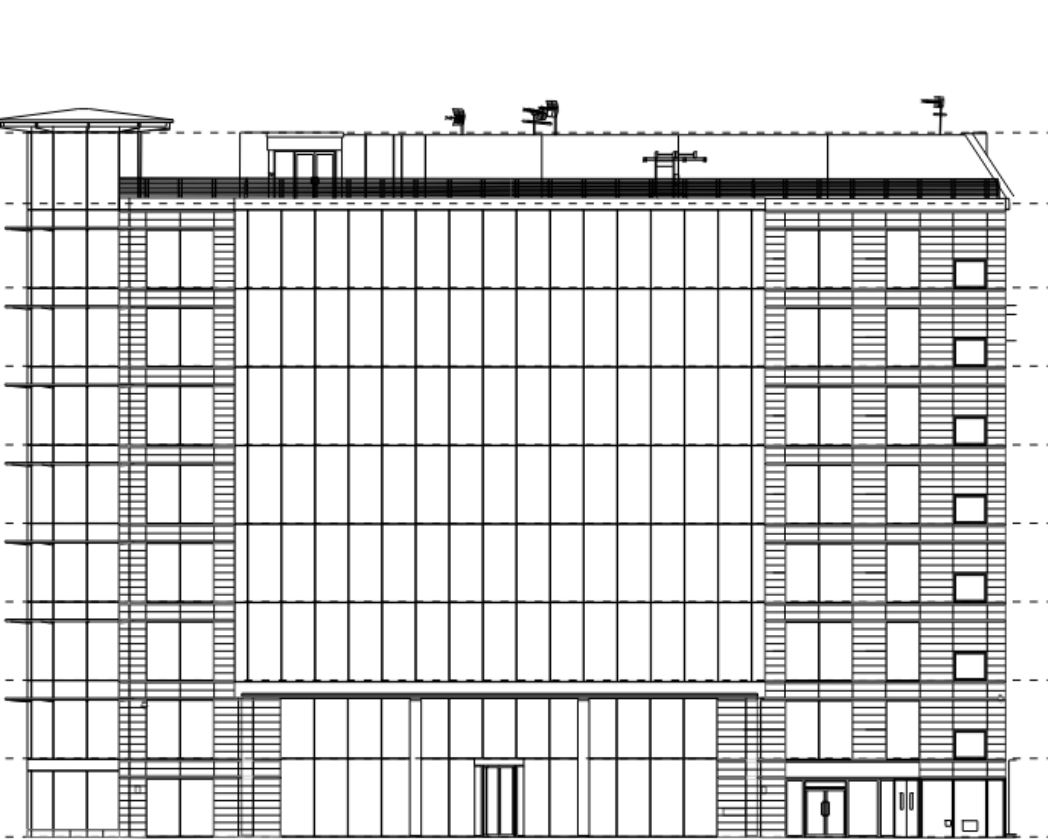


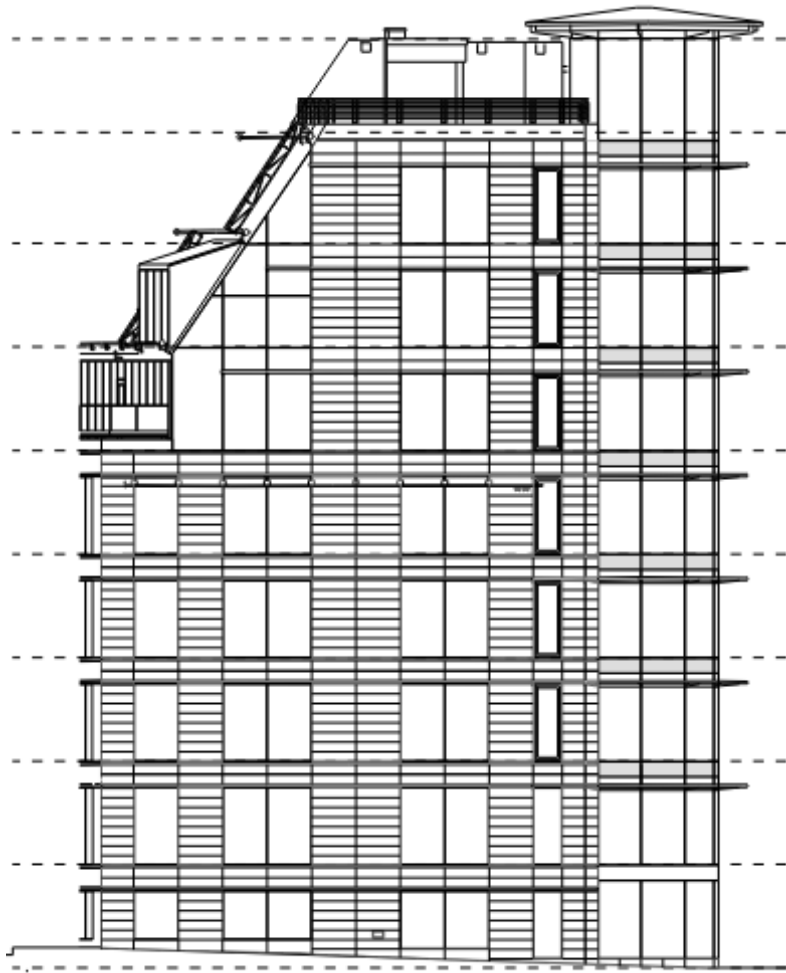


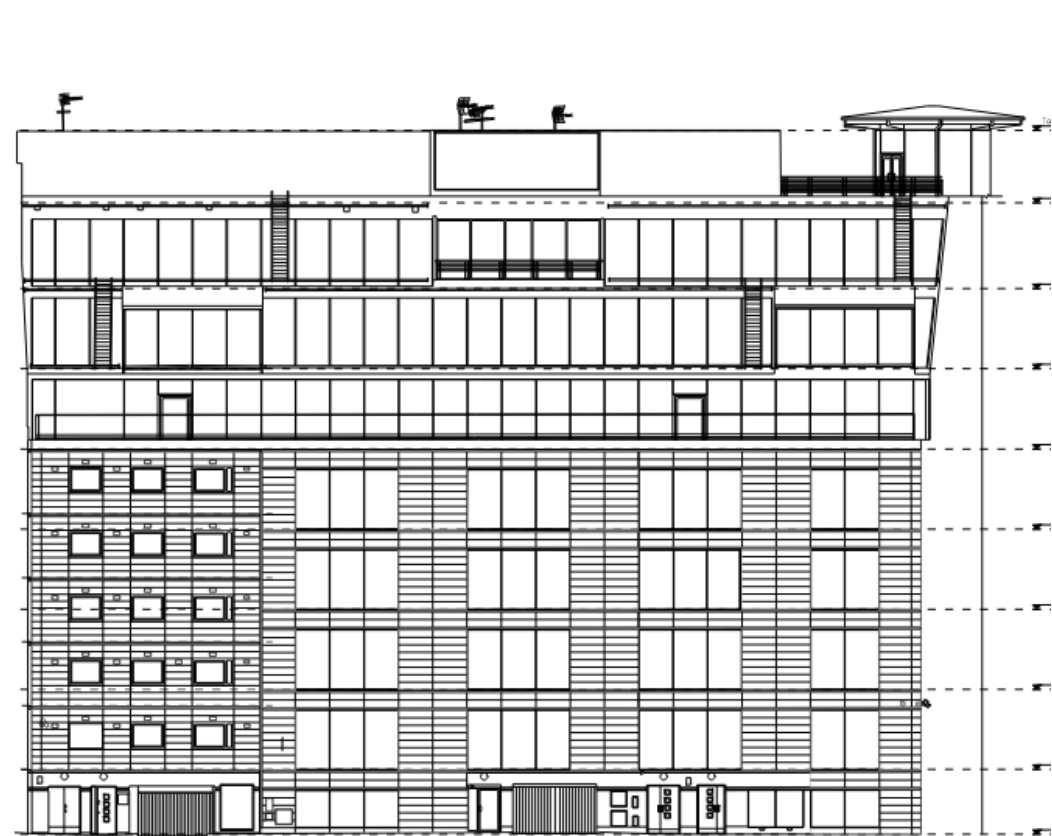


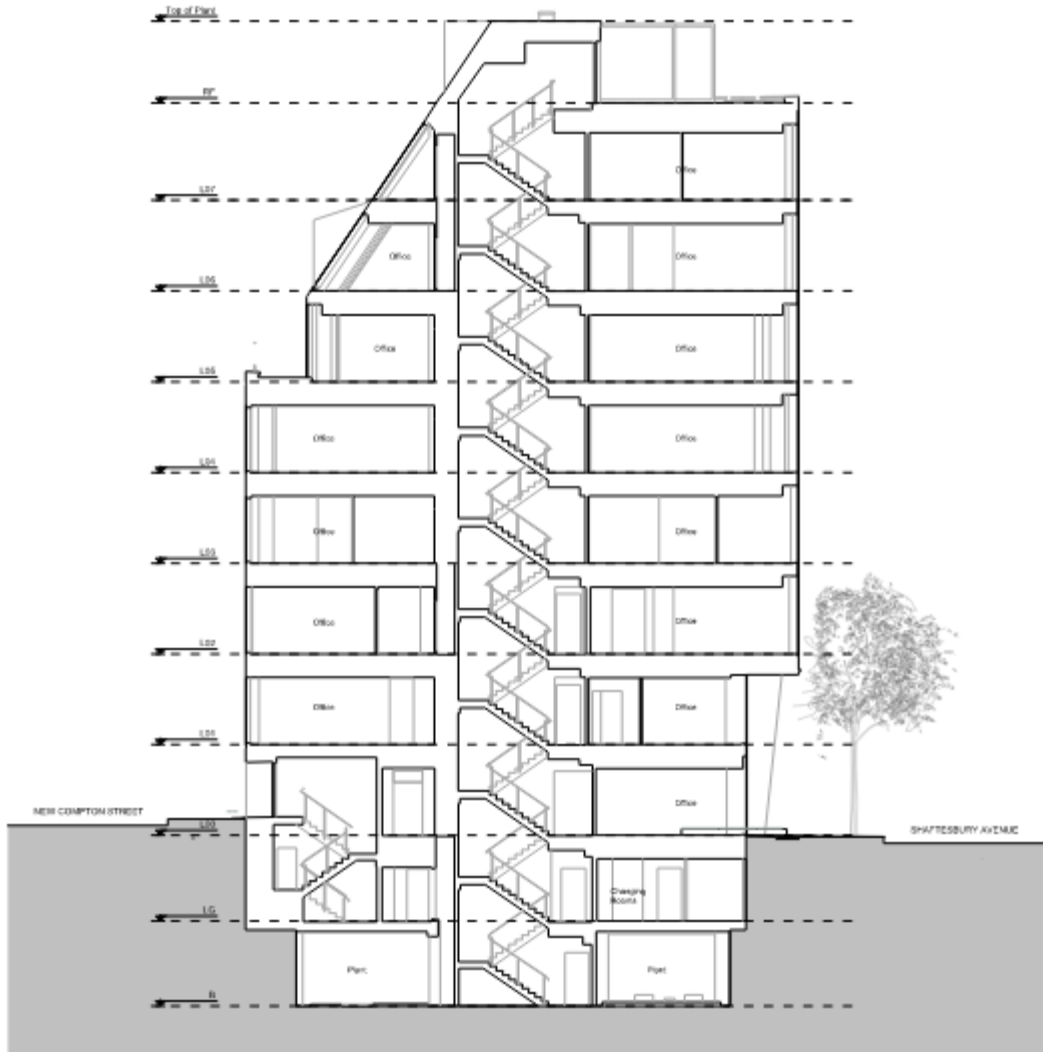




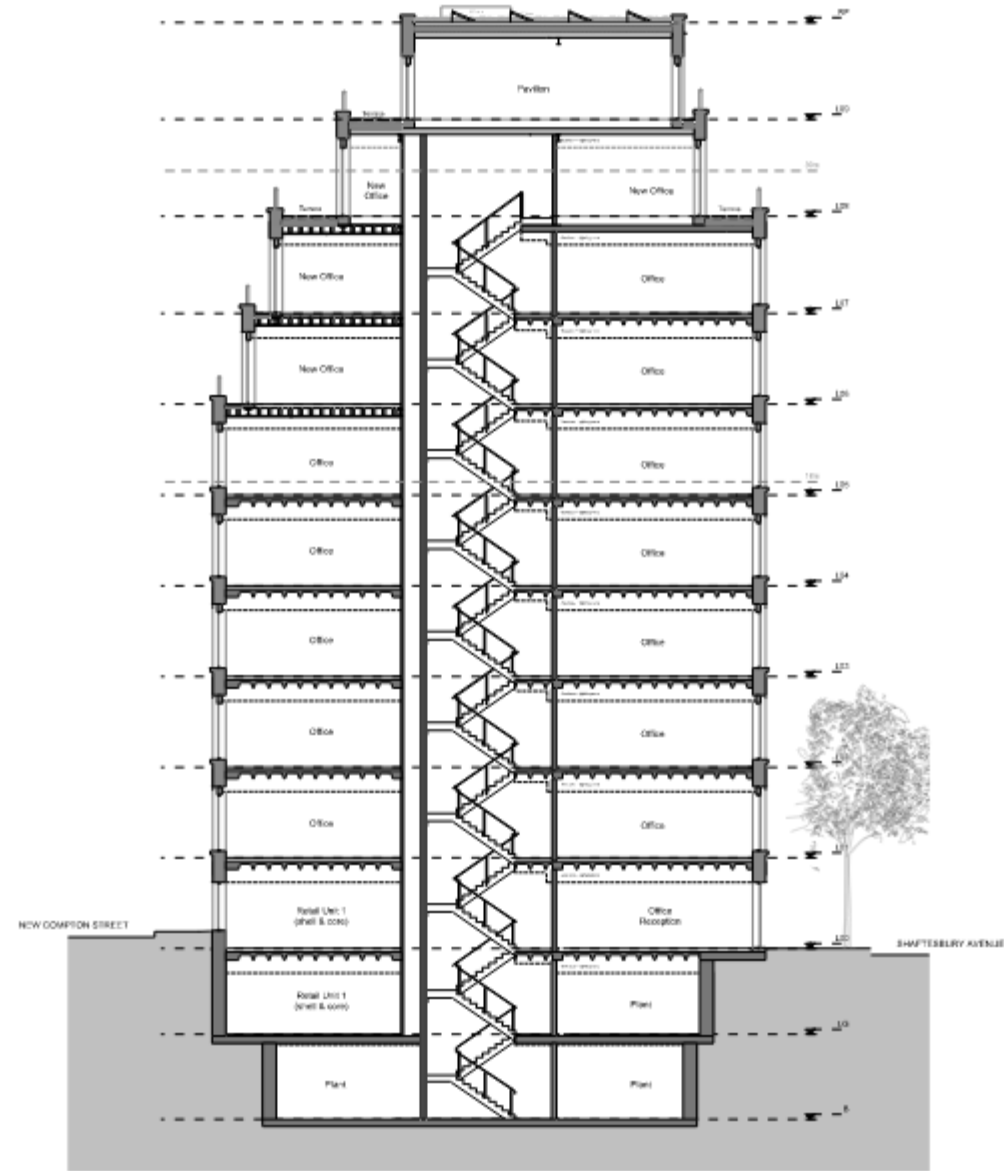








**Existing North South Section - NTS**



**Proposed North South Section - NTS**



