

**151 Shaftesbury Avenue**

# Planning Statement

**May 2024**

**DP9 Ltd**

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## 1. Introduction

- 1.1 This Planning Statement has been prepared by DP9 Ltd (hereafter referred to as ‘DP9’), on behalf of Royal London Mutual Insurance Society Limited (the ‘Applicant’), in support of a full planning application for the comprehensive refurbishment and extension of 151 Shaftesbury Avenue, London WC2H 8AL (the ‘Site’) for the following development:

*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 & Service uses (Class E); retention of existing Commercial, Business & Service (Class E) floorspace elsewhere in the building; replacement of existing façades and provision of cycle parking and associated end of trip facilities at lower ground floor level.*

- 1.2 The proposal has been the subject of extensive pre-engagement with planning officers at London Borough of Camden (LBC), including consideration by an independent Design Review Panel, with the design of the proposals evolving in response to the comments received.
- 1.3 This Planning Statement provides a general description and an evaluation of the Proposed Development against relevant national, strategic and local planning policy guidance. It should be read in conjunction with the following documents submitted as supporting material to the application:

Document Title	Prepared By
Existing and proposed drawings	Buckley Gray Yeoman
Demolition Plans	HTS
Design & Access Statement	Buckley Gray Yeoman
Townscape, Heritage and Visual Impact Assessment	The Townscape Consultancy
Statement of Community Involvement	Kanda
Daylight and Sunlight Effects Report	Delva Patman Redler
Flood Risk Assessment and Drainage Strategy	HTS
Ecological Appraisal	Hilson Moran
Acoustic Report	Hilson Moran



Transport Statement and Travel Plan	Hilson Moran
Air Quality Assessment	Hilson Moran
Fire Statement	Jensen Hughes
Financial Viability Statement	DS2
Construction Management Plan	Hilson Moran
Delivery and Servicing Management Plan	Hilson Moran
Energy Statement	Hilson Moran
Sustainability Statement	Max Fordham
Whole Life Carbon and Circular Economy Statement	Max Fordham



## **2. Site Context**

- 2.1 151 Shaftesbury Avenue is located within the Holborn and Covent Garden Ward within the London Borough of Camden (LBC).
- 2.2 The Site is a mixed-use building containing offices, retail and 5 x residential flats located at the lower levels of the building. The majority of the building comprises of office floorspace located at Ground to 7<sup>th</sup> floor level, with a vacant retail unit (former Pure café) fronting Shaftesbury Avenue. The existing building has a sloped rear elevation above fifth floor level facing New Compton Street, with an external terrace and adjoining meeting room at 8<sup>th</sup> floor level. An existing vehicle lift provides access to the basement from New Compton Street.
- 2.3 The existing 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, as well as a separate entrance for the 5 x 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.
- 2.4 Shaftesbury Avenue is at the heart of London's theatre and entertainment industries. The thriving hospitality sector in this area, as well as the site's location near to Covent Garden and nearby public transport means Shaftesbury Avenue receives a high level of footfall daily.

### **Surrounding Area**

- 2.5 151 Shaftesbury Avenue is located centrally in London's West End, with Fitzrovia to the north, Soho to the west, Leicester Square and Covent Garden to the south and Holborn to the east. The Site is surrounded by buildings demonstrating a variation in character and mix of uses, including the adjacent Seven Dials Conservation Area. The existing building bookends the island block with 189 Shaftesbury Avenue, known as Endeavour House, bookending the opposite end of the block.
- 2.6 The Site is 0.2 miles from Tottenham Court Road, Leicester Square and Covent Garden Underground stations. The Elizabeth line at Tottenham Court Road means this is now one of London's busiest interchange stations, connecting Paddington, Heathrow and Reading in the west and Shenfield or Abbey Wood in the east. This will be popular to commuters, leading the growth of the workplace sector in the area.

### **Heritage Context**

- 2.7 Shaftesbury Avenue was formed in the 1880s to improve access between Tottenham Court Road, Charing Cross and Piccadilly Circus. 151 Shaftesbury Avenue was formerly the site of a Modernist government office building built by Arthur Stanley Ash. It was built under the Lessor Scheme, introduced after the second world war to help cope with the shortage of government offices.



2.8 The existing building was granted planning permission in 1996, for the demolition of the previous building on the site and the construction of an 8-storey building for office, residential and theatre rehearsal space. Between 2004-2011 various change of use applications have been approved with the right-hand side of the ground floor becoming a retail unit, with the left-hand side occupied for offices.

2.9 Adjacent to the Site is the Odeon Cinema (135 – 149 Shaftesbury Avenue), which is Grade II listed – prior to its current use it was Saville Theatre (1930s). Before this, the area consisted of back-to-back terraced houses. In March 2024, a planning application was submitted for the following development of the listed building:

*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* (Reference: 2024/0993/P). The application is currently in the consultation and determination period.

2.10 The Site is not listed, nor is it located in a Conservation Area. The Site is however located directly between the Seven Dials Conservation Area to the South and the Denmark Street Conservation Area to the North.

### **Transport Context**

2.11 The Site benefits from excellent public transport links. The Site is equidistant from Tottenham Court Road (circa 0.2 miles away from the Site), Covent Garden (circa 0.3 miles away from the Site) and Leicester Square (circa 0.3 miles away from the Site) which provides access to the Central, Elizabeth, Northern and Piccadilly lines. The Site is located in an area with a Public Transport Accessibility Level (PTAL) rating of 6b, the highest achievable.



### **3. Planning History**

- 3.1 This section summarises the key planning history for the Site.
- 3.2 Planning permission was granted on 4<sup>th</sup> September 1996 (LBC ref. 9501817R4) for the following development:  
  
*'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'.*
- 3.3 Planning permission was granted on 10<sup>th</sup> October 2004 for the following development:  
  
*'Change of use of the 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.'*
- 3.4 Similar change of use applications as well as other minor applications to make changes to the facades have been approved by the Council over the past 20 years.
- 3.5 The above planning permissions represent the main operative permissions which the existing building has been approved by and currently operates under.
- 3.6 The full planning history for the Site can be found at Appendix 1 of this Planning Statement.



## **4. Pre-Application Discussions and Consultation**

- 4.1 The Proposed Development has been the subject of extensive pre-application discussions with planning officers and Camden Council. Four pre-application meetings have been held with planning officers, as well as an earlier iteration of the Proposed Development being presented and discussed with an independent Design Review Panel (DRP) on the 6<sup>th</sup> October 2023.
- 4.2 The meetings covered a full range of topics, including façade design and architecture, land use (including the mixed use policy), sustainability, heritage and localised amenity impacts. The meetings were constructive and have helped shaped the final form of the Proposed Development subject to the planning application.

### ***Pre-application meeting 1***

- 4.3 The first pre-application submission was submitted on 27 June 2022 and supported by documentation presenting the proposals and the client's aspirations for the Site.
- 4.4 The initial design proposed an additional 2 storeys above the current rooftop level with external amenity terraces included on floors 6, 8 and 10.
- 4.5 Two potential approaches to the building façade were discussed during this meeting. One option was exploring the reuse and refurbishment of the existing façade panels, whilst the other option was exploring the benefits of a full reclad of the building.
- 4.6 The Council's response covered: land use, social value, design and heritage, façade treatment, activation of the ground floor, sustainability and amenity. The Council identified they had concerns that the massing proposed was considered too tall in relation to neighbouring buildings.

### ***Pre-application meeting 2***

- 4.7 A follow up pre-application meeting took place on 17 September 2022, which developed the design further from the previous iteration and sought to address comments made by planning officers in the previous meeting.
- 4.8 The main design alterations related to the façade treatment which had sought to draw greater cues from the surrounding area and context. The benefits of a façade replacement were explored and detailed further with the overall aim of reducing operational carbon emissions by improving the façade performance and aesthetic enhancements.
- 4.9 The feedback from the Council identified they wanted to see a more stepped approach to the infilling of the upper floors to the rear and requested the proposed massing was reduced by one level to better align with neighbouring buildings and surrounding context.





### ***Pre-application meeting 3***

- 4.10 At the third pre-application meeting a revised massing and height strategy was presented in response to the request for the extension to the building to be reduced by a single storey.
- 4.11 Further changes related to the design of the façade; ground floor proportions; and the introduction of deeper setbacks and a more refined approach to stepping of the rear infills at upper levels.
- 4.12 The Council were supportive of the changes to the massing but requested further changes were made to the façade design and that additional stepping be introduced to the rear infills at upper levels.

### ***Pre-application meeting 4***

- 4.13 At the final pre-application meeting, greater setbacks were presented along the rear elevation fronting New Compton Street, including setbacks at every floor from Level 6 upwards. Further design alterations were presented including the removal of a double height base at ground floor level and a further reduction in the solid to glazing ratio following further energy modelling that had been undertaken.
- 4.14 The Council were supportive of the changes made and it was agreed that the scheme should be presented to Design Review Panel to help inform any further refinements to the final design approach.

### ***Design Review Panel***

- 4.15 The scheme was presented to Design Review Panel (DRP) on 6<sup>th</sup> October 2023.
- 4.16 The DRP panel summarised that the changes sought through the application were positive and made the following comments:
- They were not opposed to the increased height and massing and requested a set of key views is tested;
  - The corner element design should incorporate more local design influences;
  - Ensure the upper-level glazing is designed to reduce overheating and reducing the glazing-to-solid ratio;
  - The panel supported the proposed ground floor plan to help reanimate New Compton Street;
  - Expressed views that the building should be designed to be flexible and sustainable, accommodating a variety of uses;
  - The panel thought the proposed terraces provide very good amenity space for occupiers of the building; and
  - They commended the ambitious sustainability targets and aspirations.



- 4.17 The design team has developed the proposed design further to reflect many of the recommendations, these alterations were subsequently shared with the Council who confirmed they were happy with the changes being proposed prior to the planning application being submitted.

***Public consultation***

- 4.18 The Applicant has carried out wider public consultation with the local community and other stakeholders prior to the planning application being submitted. This involved a flyer being distributed to local residents and businesses near the Site; a dedicated project consultation webpage being setup; and a pop-up public exhibition being held in December 2023. The correspondence was sent to The Phoenix Gardens Organisation, St Giles, Bloomsbury Conservation Forum and Lindsay House Resident's Association.
- 4.19 Overall, the feedback received throughout both stages of the public consultation process has been supportive of the Proposed Development. There was particular support for the refurbishment-led approach to the development and the Applicant's sustainability brief which has sought to minimise any demolition as far as possible.
- 4.20 Despite extensive consultation and the wide distribution of newsletters and flyers, only a limited number of local residents responded to the consultation. This indicates that the majority of local residents who received the consultation information did not publicly or actively have an opinion on the development proposed.
- 4.21 A detailed summary of community consultation can be found in the Statement of Community Involvement (SCI) which has been submitted with the planning application.



## 5. Application Proposals

### Description of Development

5.1 The planning application seeks detailed planning permission for the following development:

*“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 & Service uses (Class E); retention of existing Commercial, Business & Service (Class E) floorspace elsewhere in the building; replacement of existing façades and provision of cycle parking and associated end of trip facilities at lower ground floor level.” (the ‘Proposed Development’).*

5.2 The Proposed Development specifically comprises of the following components:

- A re-branded sustainable building achieved via retrofit and extension. The vast majority of existing structure is reused, reducing the extent of demolition required.
- New architectural approach which responds to local context.
- Delivery of high-quality workspaces, providing modern flexible and adaptable offices within the Tottenham Court Road Opportunity Area and Central Activities Zone.
- New facade treatments and high-performance glazing to improve energy performance, rationalise and enhance the appearance of the building and remain respectful of conservation area and local listed buildings.
- Adopting up-to-date fire engineering principles in design and construction for the new scheme.
- Provide modern all electric building with new efficient MEP services and roof plant, including photo-voltaics.
- Provide enhanced end of trip and wellness facilities to encourage cycling and more sustainable modes of travel.
- Increase the external communal and private roof amenity spaces alongside providing ‘green roofs’ to raise urban greening and for increased biodiversity.
- Reactivating the Ground and Lower Ground floors, interfacing with the public realm, creating an active frontage and enlivening the street scene.
- Attract additional footfall and high-quality occupiers to the area to support local businesses.

5.3 Table 1 below summarises the overall quantum of development in the existing building and the Proposed Development:

Existing Uses	Sqm (GIA)	Proposed Uses	Sqm (GIA)
Office (Class E)	6,563	Class E (a mix of office and flexible Retail at ground floor)	7,214



Retail	197	Class E / Sui Generis	309
Residential	531	Residential	531
<b>Total</b>	<b>7,291</b>	<b>Total</b>	<b>8,054 (763 uplift)</b>

## Overview

- 5.4 A detailed overview of the Proposed Development is provided in the accompanying Design and Access Statement (the '**DAS**'), prepared by BGY Architects. A summary of the key elements of the Proposed Development is provided below.
- 5.5 The existing building is in need of revitalisation, with the current building suffering from several shortcomings which means it no longer meets the needs or expectations of modern office occupiers. The Proposed Development comprises a comprehensive refurbishment, retention and extension of the existing building which will optimise office floor space delivery in the Central Activities Zone, and significantly improve the existing sustainability credentials of the building. The existing building has an EPC rating of E which will be significantly improved upon completion of the Proposed Development.
- 5.6 Following a detailed review of the existing facades it is proposed for these to be removed and replaced with a new better energy performing facade. This will improve the energy performance of the overall building, including its operational carbon emissions.
- 5.7 The Proposed Development will deliver a series of important urban design and placemaking principles, namely ensuring existing office space in the Central Activities Zone remains current and fit for purpose, the delivery of additional new high-quality office floorspace; retention and refurbishment of the majority of the existing building structure to minimise up front embodied carbon emissions; maximising urban greening and biodiversity where possible; and activating and enlivening each of the building's frontages by introducing new uses to Shaftesbury Avenue, St Giles Passage and New Compton Street.

## Scale and massing

- 5.8 The massing of the existing building upon the Site would be substantively retained, with its structural grid and existing slabs informing the scale and layout of the Proposed Development.
- 5.9 The Proposed Development removes the existing uppermost level of the building and replaces this with two new setback storeys. The massing approach to the top of the building enables external amenity terraces to be created whilst the setbacks to the rear of the building better relates to the character of more contemporary developments in the surrounding area.
- 5.10 The architecture of the refurbished building has been designed to better respond to the surrounding context, with simplified elevations responding more effectively to the diverse



design challenges within a dense urban environment. The design has been informed by a study of the surrounding built context, paying particular attention to other buildings with prominent corner features in the locality.

#### **Roof Terrace, Pavilion and Landscaping**

- 5.11 The Proposed Development includes the creation of new external amenity terraces on levels 8 and 9, a new 'pavilion' space would be created to provide a flexible amenity space for the occupiers of the building, alongside an adjacent rooftop terrace with outdoor seating and planting.

#### **Lower Ground and Ground floor layout**

- 5.12 At Lower ground floor, the existing office space would be transformed into a new flexible space to be used for either drinking establishment / bar (Sui Generis) or other Class E uses accessed from the ground floor unit above. Existing car parking would be converted into new best in class end of trip facilities, including cycle parking, showers, changing rooms and lockers. Two EV charging stations would be provided so that users will be able to charge their electric bikes.
- 5.13 The ground floor will comprise a revitalised office reception with an adjacent 'club lounge' fronting Shaftesbury Avenue. A new unit located at the corner of Shaftesbury Avenue and St Giles Passage which is connected to the Lower Ground floor will have flexibility to provide a new bar/drinking establishment (Sui Generis) and/or other Class E uses. A further flexible commercial/retail unit (Class E) fronting New Compton Street is also created which will be capable of being occupied for a variety of uses.
- 5.14 Various access points are provided at ground floor to better activate the building's frontage at this level and its relationship with the surrounding streets.

#### **Inclusive access**

- 5.15 The design of the Proposed Development has been considered with regards to two aspects of access: transport links and inclusivity. Enhancements to the existing arrangements are proposed and will retain step-free movements at all principal entrances, as well as step free access being available to all office floors.
- 5.16 A dedicated cycle access will be provided on New Compton Street, with access to the cycle parking and end of trip facilities at lower ground floor level being via a cycle lift and stair accessed directly from the street.

#### **Deliveries, Servicing and Refuse Collection**

- 5.17 Shaftesbury Avenue operates a two-way carriageway featuring a 20mph speed limit and New Compton Street is a one-way route which provides access to the rear of the building. The



current building is serviced from New Compton Street with service vehicles waiting on-street whilst delivering and collecting from the site.

- 5.18 The proposed delivery, servicing and refuse arrangements will broadly follow the existing arrangements and the design will ensure that suitable space is available. Access would remain from New Compton Street and the Proposed Development would provide improved internal facilities to aid access and storage of waste prior to collection.
- 5.19 To ensure that the site operates efficiently a Service Management Plan will be developed and tailored to the new occupiers (once known). The primary objective of the plan will be to co-ordinate operations to seek to minimise the impact of deliveries and servicing movements to the site by:
- Promoting the use of low or zero emission vehicles;
  - Maintaining good relations between occupiers and neighbouring properties;
  - Co-ordination and consolidation of suppliers between different occupiers.
- 5.20 The Service Management Plan will be produced once the occupiers are known and if required can be supported by a planning condition requiring the report to be submitted within 6 months of occupation of the new office space.



## **6. Planning Policy Framework and Overview**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 6.2 This Section sets out the main national, regional and local planning policy and guidance relevant to the determination of the Proposed Development. An assessment of the proposal in the context of relevant policies and guidance is provided at Section 7 below.
- 6.3 The Development Plan for the Site comprises the following:
- The London Plan (March 2021); and
  - Camden Local Plan (July 2017).
- 6.4 In addition to the Development Plan, the following planning policy and guidance documents are material considerations in the determination of the application.

### **National planning guidance**

- National Planning Policy Framework (NPPF) (December 2023); and
- National Planning Practice Guidance (NPPG).

### **London Plan Guidance**

- Optimising Site Capacity: A Design-led Approach LPG (2023);
- Draft Fire Safety LPG (2022);
- London View Management Framework SPG (2012);
- Urban Greening Factor LPG (2023);
- Air Quality Neutral LPG (2023);
- Circular Economy Statements LPG (2022);
- Whole Life-cycle Carbon Assessments (2022);
- Control of Dust and Emissions SPG (2014);
- Energy Planning Guidance (2022); and
- Sustainable Transport, Walking and Cycling LPG (2022).

### **Camden Planning Guidance (CPG) and other guidance**

- Access for All CPG (2019);
- Air Quality CPG (2021);
- Amenity CPG (2021);
- Biodiversity CPG (2021);
- Design CPG (2021);



- Developer Contribution CPG (2019);
- Employment Sites and Business Premises CPG (2021);
- Energy efficiency and adaptation (2021);
- Housing (2021);
- Transport CPG (2021);
- Water and Flooding CPG (2019); and
- Affordable Workspace Strategy (2023).

### **Emerging Planning Policy**

- 6.5 The Council published a new Local Plan in January 2024. The new Local Plan will form a material consideration in planning decisions during its preparation; however, given the current infancy of its preparation (Regulation 18 stage), the emerging plan is considered to have little to no weight in the current determination of planning applications by the Council.





## **7. Planning Policy Assessment**

7.1 This section reviews all policies contained in the aforementioned documents which are relevant to the proposal and provides an assessment of how it complies with planning policy in respect of the following:

- Land Use;
- Design, Heritage, Townscape and Views;
- Transport and Servicing;
- Landscaping, Urban Greening and Ecology;
- Energy and Sustainability;
- Amenity Impacts;
- Affordable Housing;
- Environmental and Construction Impacts; and
- Public Benefits.

### **Land Use**

7.2 The NPPF identifies three aspects to sustainable development; economic, social and environmental. To fulfil the economic role, the planning system needs to contribute to building a 'strong, responsive, and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity'.

7.3 Paragraph 85 specifically sets out that 'planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt'.

7.4 London Plan Policy SD4 ('The Central Activities Zone') states that the nationally and internationally significant office functions of the CAZ should be supported and enhanced by all stakeholders.

7.5 London Plan Policy D3, higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling. In this regard, the Site is within the CAZ, and has a PTAL rating of 6b and such would qualify as an appropriate location for high density development.

7.6 London Plan Policy E1 ('Offices') states that increases in the current stock of offices should be supported in the locations in the CAZ.

7.7 Policy E1 of the Camden Local Plan seeks to safeguard and intensify employment sites and premises in the borough; directing new office development to growth areas, Central London and town centres to meet a forecast demand of 695,000sqm of office floorspace between 2014 and 2031. Policy E2 seeks to increase, or at least maintain, floorspace on employment



sites and will consider higher intensity redevelopment of premises or sites that are suitable, providing that the level of employment floorspace is increased or at least maintained.

- 7.8 Policy TC4 of the Camden Local Plan states that it will ensure that the development of shopping, services, food, drink, entertainment and other town centre uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity or neighbours.
- 7.9 Policy H2 of the Camden Local Plan states that in the Central London Area where development involves additional floorspace of more than 200 sqm GIA, the Council require 50% of all additional floorspace to be self-contained housing. An affordable housing contribution would also be required under this scenario where the level of market housing triggers this Policy H4. The supporting text notes that financial viability will be taken into account when considering the policy requirements and that where the Council is satisfied that providing on-site housing is not practical or housing would more appropriately be provided off-site, they would seek provision of housing on alternative site nearby or accept a payment-in-lieu.

#### *Assessment*

- 7.10 The proposal to modernise and extend this large Central London office building accords with the principal land use policies within the Local Plan and London Plan. Being located in the CAZ, the Site represents an opportunity to deliver much improved, as well as an overall increase in office accommodation, in a highly sustainable location in the heart of London.
- 7.11 The provision of a flexible space at ground floor and lower ground floor level which would be used as a bar or Class E drinking establishment would introduce active frontages and replace a slightly dated retail offer, the proposal is considered to accord with Local Plan Policy TC4 in respect of appropriate Town centre uses which would add vitality and viability to the area. The use would be complimentary to the office premises and would activate streets and provide supporting services for businesses, workers and residents.
- 7.12 In accordance with Policy H2, as the Proposed Development creates over 200sqm of additional commercial floorspace, the applicant has reviewed the ability to deliver self-contained housing as part of the overall development. Based on the overall uplift in floorspace created (763sqm (GIA)), the Proposed Development generates a requirement for 4 residential homes to be delivered. However, as the floorspace uplift is below 1,000sqm (GIA), Policy H2 does allow for a financial contribution to be provided instead where it is concluded that it would not be practical or viable to deliver housing on site.
- 7.13 A housing feasibility study has been undertaken during the pre-application process to inform the design evolution which determined what works would be needed to support the introduction of additional residential within the existing building. The team explored the feasibility of providing on-site provision for housing alongside Fire Engineers and Structural Engineers input and guidance. It was identified that the addition of residential units 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, would have a significant carbon impact through demolition and reforming of existing structure and that it would have a major impact on viability. Both the physical and technical constraints associated with delivering new housing in the building mean that the costs of creating 4 residential units, combined with the corresponding reduction in commercial floorspace that can be delivered, means it is not financially viable for the development to deliver new housing on site.

- 7.14 The planning application is supported by a financial viability assessment, prepared by DS2, which provides the financial modelling demonstrating why it would not be financially viable to incorporate 4 residential units within the existing building. Notwithstanding the conclusions of the viability appraisal, the applicant recognises the importance of contributing towards housing delivery in the borough, a payment in lieu towards housing delivery will be discussed and agreed with officers during the determination period.

#### **Design, Heritage, Townscape and Views**

- 7.15 The NPPF states that “the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve”.
- 7.16 NPPF paragraph 208 states that “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.”
- 7.17 The London Plan has various policies which encourage applicants to achieve a high standard of design - D3 ‘Optimising site capacity through the design-led approach’, D5 ‘Inclusive design’ and D12 ‘Fire safety’. There are also policies in relation to protecting heritage assets, including HC1 ‘Heritage conservation and growth’, HC3 and HC4 ‘Strategic and local views, London View Management Framework (LVMF)’.
- 7.18 Policy D1 of the Camden Local Plan seeks to secure high quality design that respects local context and character; preserves and enhances the historic environment; is sustainable in design and construction; integrates well with surrounding streets and spaces; is inclusive and accessible; incorporates high quality landscape design; preserves local and strategic views; and carefully integrates building services equipment.

#### *Assessment*

- 7.19 The Design & Access Statement, prepared by BGY Architects, provides an analysis of the constraints and opportunities presented by the Site, and how the design of the Proposed Development has evolved to respond to the feedback received during pre-application consultation.



- 7.20 This existing building is unremarkable and of minor architectural value, making a limited contribution to its local context. During summer months, the Shaftesbury Avenue elevation is well hidden behind mature London plane trees, however its tinted curtain wall and recessed entrance provide an unwelcoming presence in views from the roadway with the glazed turret appearing incongruous, particularly in views along Mercer Street from Seven Dials. The use of red-toned concrete panels appears to respond to the surrounding context with buildings on the south-east side of Shaftesbury Avenue sharing a similar colour in terracotta details, from an urban perspective. However, the highly reflective glazing and distinct lack of engagement with New Compton Street and St Giles Passage reduce the townscape contribution of this existing building. The Local Planning Authority has acknowledged the character and contribution of the existing building upon the Site in its Delegated Report issued on the Odeon appeal decision, which states that *'there are some examples of large glazed buildings on Shaftesbury Avenue, specifically the building adjacent to Saville theatre, however this is recognised as being an unsuccessful development and as having a negative impact on the street'*.
- 7.21 The planning application is supported by a Heritage, Townscape and Visual Impact Assessment, prepared by The Townscape Consultancy, which presents the findings of an assessment of the effects of the development proposals on the heritage significance of above-ground heritage assets, the townscape and visual amenity. A study was undertaken to establish a set of potential viewpoint locations from which 'existing' and 'proposed' views are provided, the possible locations were identified based on an examination of maps and aerial photographs. The set of 11 viewpoint locations and view type have been determined and agreed in consultation with Camden.
- 7.22 The design of the Proposed Development has been developed through an extensive process of pre-application discussion with Camden Council, resulting in the final design being carefully curated in response to the feedback received from planning officers, as well as an independent Design Review Panel. The pre-application process has helped improve and refine the final design, resulting in a scheme that is of high architectural quality that better responds to its local context, both in massing and design terms.
- 7.23 The Site does not contain any listed buildings and is not located within a conservation area, however there are several heritage assets in the vicinity. These include the Seven Dials (Covent Garden) Conservation Area, Denmark Street Conservation Area and the Grade II listed Former Saville Theatre. Despite the increase in height, these changes would result in a less dominant building and is considered to have a positive effect on the setting of the Conservation Areas and would not cause any harm to heritage assets or their significance.
- 7.24 In terms of Townscape, it is considered that the design of the Proposed Development is well-judged and of high quality. It would be a positive addition to the local townscape character while respecting the townscape sensitivities of the surrounding context and responding to the constraints of the existing building upon the Site.



- 7.25 The Proposed Development is of a high quality and successfully addresses the setting of conservation areas and listed buildings in the surrounding area while managing the constraints that result from the retention of the structural grid and slabs of the existing building. The Proposed Development would not result in any harm to any of the relevant heritage assets through a change to their setting and would have a positive effect on the composition of the Site and the character of the surrounding area.
- 7.26 Overall, the Proposed Development would result in a coherent scheme and a pertinent design response to the complex challenges of the retention of an existing structure. It is consistent with the established and emerging urban character of St Giles, being well designed and of an appropriate scale with high-quality details and materials, and complies with heritage, townscape, and visual impact requirements set out in national, regional, and local planning policy and guidance which seek to ensure that design is of the highest quality and responds to its local setting.

### **Energy and Sustainability**

- 7.27 Paragraph 153 of the NPPF states that new developments should contribute to lowering greenhouse gas emissions and this can be achieved through considerations such as location, orientation and design. Additionally, Paragraph 162 requires new developments to factor in elements like landform, layout, building orientation, massing and landscaping to reduce energy consumption.
- 7.28 Camden Local Plan Policy CC1 requires all developments to minimise the effects of climate change and encourage all developments to meet the highest feasible environmental standards. Policy CC2 requires non-domestic developments of 500sqm or more floorspace to achieve BREEAM “Excellent” and encourages zero-carbon in new development from 2019.

### *Assessment*

- 7.29 The application is supported by an Energy & Sustainability Statement by Hilson Moran which has been prepared in accordance with the GLA Energy Planning Guidance and Camden Planning Policy and Guidance. The Energy & Sustainability Statement identifies how the Proposed Development will meet the carbon emissions reduction targets set out in the Development Plan.
- 7.30 The Proposed Development complies with the 2021 London Plan, achieving a satisfactory carbon emissions reduction when compared to the existing baseline modelled. PV panels are proposed to be installed to comply with renewable technology measures, but the limited roof space and the overshadowing dense urban context restrict the energy production output of the on-site renewables.
- 7.31 The reduction in carbon dioxide emissions from on-site renewable energy technologies is less than the 20% target stated in the Energy efficiency and adaptation CPG (2021) of Camden



local policy. Despite these constraints, the development is able to achieve satisfactory reduction in regulated emissions beyond the notional building of 63% reduction beyond the baseline performance which is greater than the minimum policy targets of 35%. As part of the 'Be Seen' compliance, the project is adopting a design for performance approach.

### **Transport and Servicing**

- 7.32 The NPPF promotes the use of sustainable transport modes, seeks safe and suitable access and requires significant impacts on the transport network to be mitigated. Paragraph 115 states that, *"development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.
- 7.33 London Plan Policy T5 sets cycle parking standards for new development and Policy T1 of the Camden Local Plan promotes sustainable transport by prioritising walking, cycling and public transport in the borough, by ensuring that developments (amongst other things); improve the pedestrian environment (a and b); provides for accessible, secure cycle parking and changing facilities (h and i); and contributes to public transport enhancements where trips generated are likely to exceed capacity.

### *Assessment*

- 7.34 The supporting Transport and Travel Plan Statement highlights the highly sustainable nature of the scheme, situated in a highly accessible location which benefits from a PTAL rating of 6b, the highest score available.
- 7.35 In accordance with Local Plan Policy T2, the Proposed Development proposes the removal of all on-site car parking spaces within the existing basement, resulting in a car-free development. The basement level would be re-purposed to provide secure, high quality end-of-trip facilities for cyclists, including cycle parking and changing facilities in line with London Plan standards.
- 7.36 In accordance with London Plan, 137 spaces will be provided within the development. The cycle parking will comprise of 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 x e-bike charging stations, 2 x accessible parking spaces and a bike repair station.
- 7.37 A multi-modal trip generation assessment of the existing and proposed Site has been undertaken. The results suggest that the Proposed Development could result in an uplift of 37 two-way trips for a typical weekday and up to 10 movements in the peak hours. Given the Sites excellent accessibility to public transport (PTAL 6b), the increase in walking, cycling and public transport trips are expected to have a negligible impact on the surrounding network.



- 7.38 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. These facilities will be accessed via an external door onto New Compton Street.
- 7.39 The delivery, servicing and refuse arrangements will broadly follow the current arrangements and the design will ensure that suitable space is available. However, to ensure that the Site operates efficiently a Service Management Plan will be developed and tailored to the new occupiers (once known). The primary objective of the plan will be to co-ordinate operations to seek to minimise the impact of deliveries and servicing movements to the site by: promoting the use of low / zero emission vehicles; maintaining good relations between occupiers and neighbouring properties; and co-ordinating and consolidating suppliers between different occupiers of the Site.

#### **Landscaping, Urban Greening and Ecology**

- 7.40 At the national level, the NPPF prioritises the conservation and improvement of the natural environment. It promotes the significance of biodiversity in sustaining the local ecosystem. Paragraph 185 requires planning policies to safeguard and enrich both biodiversity and geodiversity.
- 7.41 London Plan Policy G6 (Biodiversity and Access to Nature), states that development plans must minimise biodiversity impacts and strive for a net increase in biodiversity. Such decisions should rely on the most reliable ecological data and be integrated from the outset of the development phase.
- 7.42 Local Plan Policy A3 (Biodiversity) states that developments must safeguard and improve areas designated for nature conservation and biodiversity and that the Council will assess developments based on their potential to generate biodiversity benefits.

#### *Assessment*

- 7.43 The Ecological Appraisal, prepared by Hilson Moran, explains how the landscaping strategy will enhance the development through greening the amenity terraces throughout the building, achieving a high standard of landscaping design as required by Local Plan Policies.
- 7.44 The development will result in the additional of semi-natural habitats as well as further enhancements through the addition of artificial aids. Enhancements on Site are proposed through the inclusion of a variety of landscaped elements across the building, a terrace on the eighth floor, a roof garden on the ninth floor and a green roof at the roof level. All of these measures would enhance the urban biodiversity of the Site and the area.
- 7.45 The submitted Preliminary Ecological Appraisal concludes the site comfortably meets the Biodiversity Net Gain (BNG) requirement of 10%, in accordance with London Plan Policy G6 and Camden Local Plan Policy A3.



- 7.46 In relation to the Urban Greening Factor, as the Proposed Development does not represent a major development, the requirement to achieve a minimum 0.3 Urban Greening Factor does not apply. However, the Proposed Development has sought to maximise greening wherever possible on all accessible terraces through the incorporation of soft landscaping and a biodiverse green roof at rooftop level, above the Pavillion.
- 7.47 Overall, the Proposed Development has been designed to optimise and maximise biodiversity advantages through a carefully designed layout, design and material palette. The supporting Preliminary Ecological Appraisal concludes that a significant net gain in biodiversity across the Site is to be achieved.

### **Amenity Impacts**

- 7.48 Camden Local Plan Policy A1 seeks to protect the quality of life of occupiers and neighbours, including from impacts on privacy, outlook, sunlight, daylight, overshadowing, construction and noise.
- 7.49 London Plan Policy D14 seeks to mitigate and minimise noise impacts from new development. Policy SI1 requires development proposals to be Air Quality Neutral, with major development supported by an air quality assessment.
- 7.50 Camden Local Plan Policy A4 states that permission will not be granted for development that will generate unacceptable noise and vibration impacts from, for example, plant and machinery, and that disturbance from construction and deliveries will be minimised. Policy CC4 seeks to mitigate impacts on air quality associated with development.

### *Assessment*

- 7.51 The Proposed Development has been developed from the outset with a consideration to potential daylight, sunlight and overshadowing impacts. Daylight / Sunlight specialists have been involved from the initial design concept stage and have prepared a Daylight and Sunlight Assessment which accompanies the planning application. The specialists have provided ongoing advice and assurance that the proposals being developed would not lead to any unacceptable impacts to neighbouring occupiers.
- 7.52 Initial proposals for the upward extension of the building were based upon two additional floors being added above the existing plant level of the building, compared to just a single storey as now being proposed by the Proposed Development. The daylight and sunlight modelling associated with this increased massing was assessed as being acceptable, with the subsequent reduction in massing now proposed the result of ongoing discussions with planning officers on design related matters. The reduction in massing that was made during the course of pre-application discussions subsequently resulted in further improvements





being achieved to what were already considered acceptable daylight, sunlight and overshadowing impacts.

- 7.53 The Daylight and Sunlight Assessment submitted with the planning application considers the daylight and sunlight effects to neighbouring properties and amenity areas in accordance with the BRE Guidelines.
- 7.54 As outlined in the assessment, the Proposed Development demonstrates a high level of adherence to BRE guidelines, with 92% of all surrounded windows assessed meeting VSC guidelines, 86% of rooms meeting NSL guidelines, 87% of rooms meeting sunlight guidelines and all outdoor amenity areas (including The Phoenix Garden) meeting the sun-on-ground guidelines set out in the BRE.
- 7.55 There would be a limited number of higher magnitude impacts, which are generally confined to Pendrell House on New Compton Street. This building has been designed with its central London location in mind, placing most of its main living rooms and balconies facing the green spaces of St Giles Churchyard and Phoenix Gardens and locating predominantly bedrooms and kitchens facing the applicant Site. Some of these sit beneath deck access balconies or canopies.
- 7.56 The assessment identifies that where there are impacts beyond the BRE guidelines, most of these are of low magnitude and primarily affect bedrooms, which are less sensitive in daylight and sunlight terms.
- 7.57 Overall, due to the limited increase in height and massing proposed it has been concluded that the Proposed Development would not lead to any daylight and sunlight impacts which are not compliant with the Council's planning policies relating to daylight and sunlight matters.
- 7.58 A planning application has recently been submitted on the adjacent Saville Theatre development. A qualitative assessment has subsequently been undertaken on the potential for any cumulative daylight and sunlight effects should both developments come forwards. Overall, the Proposed Development remains consistent with the Council's planning policies in relation to daylight and sunlight when considering both developments together.

#### **Environment and Construction Impacts**

- 7.59 Policy SI12 states that "Development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed". Policy SI13 aims to achieve greenfield runoff rates where possible through sustainable drainage measures, in line with the drainage hierarchy.
- 7.60 Policy CC3 if the Camden Local Plan seeks to ensure development does not increase flood risk and incorporates sustainable drainage measures where feasible.



### *Assessment*

- 7.61 The Site is in Flood Zone 1 and has a low risk of flooding from all sources. The Proposed Development will not increase impermeable surfacing. Calculations demonstrate that the proposed scheme will result in a reduction of surface water runoff compared to the existing building on Site. Infiltration based SuDS are not suitable for the Site. Non infiltrating SuDS will be used to provide sufficient surface water management and will be in the form of blue and blue/green roofs located on the eighth-floor terraces, roof garden and on top of the proposed pavilion. In total, this will supply an estimated stormwater storage of 47sqm. Which exceeds the 36sqm required to provide a 30% reduction in runoff during the 1 in 100-year, 6-hour rainfall event, plus 40% allowance for climate change. This represents the best possible outcome that can be achieved given the constraints of the development.
- 7.62 A Construction Management Plan has been submitted in line with Camden's requirements. It will be expected that construction management provisions are secured by condition or S106 obligation.

### **Fire Safety**

- 7.63 London Plan Policy D12 ('Fire Safety') sets out a requirement for Applicants to achieve the highest standards of fire safety and design. It states that all major development applications should be supported by a Fire Statement, setting out how the development will function in terms of fire risk prevention and management in line with a set of criteria.
- 7.64 The Application is supported by a Fire Statement prepared by Jensen Hughes. This sets out that the scheme has been developed in accordance with relevant policy requirements, including the information sought by London Plan Policy D12 and D5.



## **8. Planning Obligations and Section 106**

- 8.1 Section 106 of the Town and Country Planning Act 1990 allows the entering into of an obligation, by agreement or otherwise, between the local planning authority and any person interested in the land for the purposes of:
- restricting the development or use of the land in any specified way;
  - requiring specified operations or activities to be carried out in, on, under or over the land;
  - requiring the land to be used in any specified way; or
  - requiring a sum or sums to be paid to the authority (or, in a case where section 2E applies, to the Greater London Authority) on a specified date or dates or periodically.
- 8.2 Regulation 122 of the Community Infrastructure Levy Regulations (2010) states that planning obligations may only constitute a reason for granting planning permission for the development if the obligation is:
- necessary to make the development acceptable in planning terms;
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development.
- 8.3 The setting of a London-wide Community Infrastructure Levy ('CIL') was a power given to the Mayor under the Planning Act 2008 designed to raise money for the infrastructure needed to develop an area. For office development schemes in the Central London Area of Camden, the Mayoral CIL is levied at £185 per sqm of uplift from existing to consented floorspace in lawful use.
- 8.4 Camden formally adopted their own CIL charging schedule in October 2020; office floorspace is levied at £110 per sqm (not including indexation).
- 8.5 LB Camden has adopted a Supplementary Planning Guidance (2019) on Developer Contributions, which seeks to secure obligations towards a whole range of items, depending on the type and size of development proposed.
- 8.6 Below is a list of expected planning obligations for this development. These will be subject to discussion with Camden officers during determination of the planning application.
- Construction Management Plan Implementation Support
  - Construction Management Plan Bond
  - Housing Payment in Lieu
  - Workplace Travel Plan Monitoring
  - Apprentice Support fee
  - Employment and skills initiatives



## 9. Conclusion

- 9.1 This Planning Statement has been prepared to accompany a full planning application for the development of the 151 Shaftesbury Avenue, London WC2. It has assessed the proposals against the provisions of the Development Plan, supplementary planning guidance and national planning policy.
- 9.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development proposals to be determined in accordance with the Development Plan unless other material considerations indicate otherwise. It is considered that overall, the Proposed Development accords in all material respects with the relevant policies.
- 9.3 A series of public benefits which are economic, social and environmental in nature will be delivered through the delivery of the Proposed Development. These benefits are considerable and in accordance with the NPPF's overarching principles relating to new development.
- 9.4 The Proposed Development is a next generation retrofit building that will attract new occupiers to the area, supporting local and regional business growth and investment in Camden.
- 9.5 Significant improvements to the external appearance of the existing building would be delivered through new architecture that better responds to its surrounding context and enhances the overall townscape character.
- 9.6 The Proposed Development seeks to improve and promote a strong and vibrant community by providing additional flexible space at ground floor including the provision of retail and active spaces and introducing multi-use roof terraces and pavilion. By activating the ground floor, the surrounding area will benefit as they will be able to access the flexible uses proposed, enlivening the street scene and making safe and attractive connections for pedestrians to use. The proposals would also contribute to the vitality and street scene of this important route to Covent Garden and Seven Dials Conservation Area.
- 9.7 The building will not only be rebranded but will also be best in class for sustainability creating high-quality Grade A workspaces in line with Camden Council local plan policies seeking to achieve efficient and future ready buildings and will deliver a car-free development to encourage active forms of travel such as cycling and other sustainable modes. The new office space would provide attractive communal and private terrace spaces to increase biodiversity in the city centre, a key planning objective.
- 9.8 The Site is unable to provide onsite housing, which has been demonstrated through a supporting viability assessment. However, in line with the Council's policy the Applicant will be discussing making a payment in lieu towards housing delivery elsewhere.



- 9.9 The innovative design will minimise energy use and optimise embodied carbon to create a low carbon building fully aligned with current and emerging planning policy requirements.
- 9.10 In light of the above, the proposal is considered to accord with the development plan and therefore benefits from the presumption in s38(6) of the 1990 Act. Furthermore, it accords with the policies of the NPPF as a whole and is deemed to be ‘sustainable development’. Planning permission should therefore be granted.



Produced by : Heloise Whiteman & Kurt Gagen

Approved by: Tim Holtham

Date: May 2024



## Appendix 1

London Borough of Camden		
151 Shaftesbury Avenue		
Reference	Description	Status
2017/2354/P	Alterations to the 5th floor terrace including new balustrading, new decking and new doors.	Application Permitted on 23 May 2017
2012/4753/P	Replacement of sliding entrance door with glazed windows (Class B1a).	Application Permitted on 19 September 2012
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	Application Permitted on 12 September 2012
2012/3257/A	Display of internally illuminated fascia and projecting signs to shopfront (Class A1).	Application Permitted on 28 June 2012
2010/1768/P	Amendment to Planning Permission 2010/0011/P (granted 17/03/2010) for change of use of part ground floor from office use (Class B1) to retail use (Class A1), and alterations including installation of new shopfront to South elevation and replacement of exit door to North elevation. Amendment comprises installation of obscure glazed panel at ground floor level on Shaftesbury Avenue elevation.	Application permitted on 14 April 2010
2010/0011/P	Change of use of part ground floor from office use (Class B1) to retail use (Class A1), and alterations including installation of new shopfront to South elevation and replacement of exit door to North elevation.	Application permitted on 21 January 2010
2009/5028/P	Renewal of planning permission granted on 20/10/2004 [ref 2004/2262/P] for "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."	Application permitted on 12 November 2009
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.	Application permitted on 21 September 2007
2004/4636/P	The change of use of part of the basement level from rehearsal room (sui generis) to business (Class B1).	Application permitted on 21 January 2005
2004/4635/P	The variation of condition12 of planning permission dated 4th September 1996 (reg. no. 9501817/R4) for the erection of an eight storey building for office, residential and theatre rehearsal	Application refused on 2 November 2004



	space to allow parking spaces in the basement to be used by any occupant of the building.	
<b>2004/2262/P</b>	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	Application permitted on 24 September 2004
<b>2004/2263/A</b>	Display of internally illuminated numerical sign above the main entrance of the building.	Application permitted on 6 August 2004
<b>2004/2653/P</b>	Variation of condition 12 of planning permission Ref:9501817R4 dated 4th September 1996 to alter parking space provision for office use.	Application permitted on 9 July 2004
<b>PSX0004231</b>	Change of use of part of the basement from rehearsal room (Sui Generis use) to Class B1 use.	Application refused on 11 April 2000
<b>9501817R4</b>	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.	Application permitted on 4 September 1996