

# SAVILLE THEATRE

135 SHAFTESBURY AVENUE

PLANNING STATEMENT

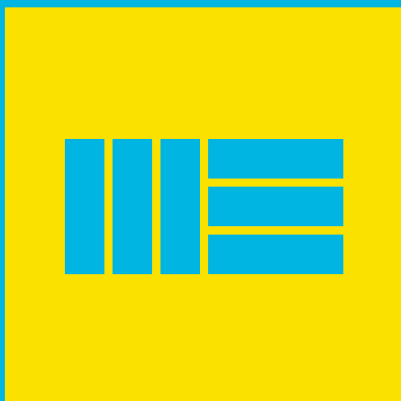
MONTAGU EVANS LLP

# FORMER SAVILLE THEATRE

135-149 SHAFTESBURY  
AVENUE, LONDON, WC2H 8AH

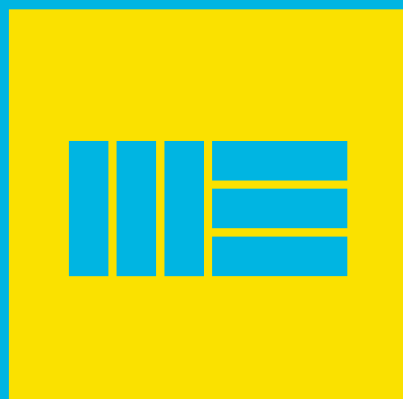
PLANNING STATEMENT

FEBRUARY 2025 UPDATE



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# 1.0 EXECUTIVE SUMMARY

- 1.1 This Planning Statement has been prepared by Montagu Evans LLP for full planning permission and listed building consent (“the Application”) for the partial demolition, restoration and refurbishment of the grade II listed 135-149 Shaftesbury Avenue, London, WC2H 8AH (“the Site”).
- 1.2 The Application is submitted on behalf of YC Saville Theatre Limited (“The Applicant”) to the London Borough of Camden (“the LB Camden” or “the Council”).
- 1.3 The Applicant seeks full planning permission and listed building consent for the below description of development (“the Proposal” / “Proposed Development” / “the Scheme”):  
  
*“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.”*
- 1.4 The Proposed Development seeks to re-introduce a live performance venue (theatre) to this Site and introduce a new hotel use on upper floors. The Proposed Development includes a 5-storey extension, plus plant, on top of the existing Building.
- 1.5 The Proposed Development would include part-demolition, part-retention and stabilisation and refurbishment of the existing Grade II listed building. New basement levels will be excavated to accommodate the theatre, with the introduction of ancillary retail and theatre lobby, box office and front of house facilities at ground floor level.
- 1.6 The Proposed Development would become the first UK-based permanent home of Cirque du Soleil. At upper levels, the boutique hotel would be operated by citizenM.
- 1.7 The proposals are the product of very careful and extensive options analysis. The existing building is in poor condition because of the onset of Regents Street Disease and later alterations. As a consequence, it requires very significant investment in order to secure its survival.
- 1.8 This Application has been informed by adopted and emerging development plan policies and other relevant guidance. This section of the Statement provides a summary of the relevant planning context (Section 6). Section 7 provides an assessment of the Application against the policies and guidance contained within these documents.
- 1.9 The proposals have been the subject of extensive consultation with the London Borough of Camden, Historic England, the Greater London Authority (‘GLA’), local residents and interested parties/consultees including the Theatres Trust.
- 1.10 Having regard to the detailed assessment against relevant planning policy undertaken within this Statement, we consider that on balance the scheme is acceptable in planning terms and, in particular, that the planning and heritage benefits arising from this Scheme clearly outweigh the identified harm.
- 1.11 Following submission of the Application in 2024, the Applicant has worked closely with LBC, GLA, Historic England and Theatres Trust to respond to consultation feedback. Detail regarding the design changes is set out within the supporting Design and Access Statement and is reflected in this Planning Statement. In addition, a Financial Viability Assessment

('FVA') has been submitted which confirms that the harm to the listed building has been minimised as much as possible, in the context of these proposals, whilst remaining deliverable.

- 1.12 On this basis, we believe the Application should be considered favourably by LB Camden and the GLA, allowing the considerable historic, social, environmental and economic benefits to be realised on this Site.

## 2.0 INTRODUCTION

- 2.1 This Planning Statement has been prepared by Montagu Evans LLP for full planning permission and listed building consent (“the Application”) for the partial demolition, restoration and refurbishment of the grade II listed 135-149 Shaftesbury Avenue, London, WC2H 8AH (“the Site”).
- 2.2 The Application is submitted on behalf of YC Saville Theatre Limited (“The Applicant”) to the London Borough of Camden (“the LB Camden” or “the Council”).
- 2.3 The Applicant seeks full planning permission and listed building consent for the below description of development (“the Proposal” / “Proposed Development” / “the Scheme” ):

*“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.”*

### Overview of Scheme Proposals

- 2.4 The Proposed Development seeks to re-introduce a live performance venue to this Site and introduce a new hotel use on upper floors. The Proposed Development includes a 6-storey extension, plus plant, on top of the existing Building.
- 2.5 The Proposed Development would include part-demolition, part-retention and stabilisation and refurbishment of the existing grade II listed building. New basement levels will be excavated to accommodate the theatre, with the introduction of ancillary retail and theatre lobby, box office and front of house facilities at ground floor level.
- 2.6 The Proposed Development would become the first UK-based permanent home of Cirque du Soleil. At upper levels, the boutique hotel would be operated by citizenM.
- 2.7 Specifically, the Proposed Development comprises the following elements:
- Extensive refurbishment of the listed building façade;
  - Partial demolition and reconstruction of north façade;
  - Excavation of two additional basement levels;
  - Erection of 5-storey roof extension plus plant;
  - Creation of a new 6,097 sqm hotel for citizenM;
  - Provision of 3,688 sqm of theatre space, comprising Cirque du Soleil’s first permanent UK home;
  - Ancillary retail at ground floor level, associated with the theatre use; and
  - Addition of 1,291 sqm ancillary floorspace, including servicing facilities and cycle parking.
- 2.8 In addition to the above, the Scheme would deliver additional benefits, including:
- Much needed repair to the listed building, which is currently suffering from corrosion-related damage;
  - Reintroducing a theatre use for which the listed building was originally designed, and in so doing, bringing a world class theatre operator (Cirque Du Soleil) to this part of Shaftesbury Avenue;
  - Public realm improvements to surrounding streets;

- Enhanced activation to the frontage along Shaftesbury Avenue;
- Improvements to accessibility, sustainability and fire safety; and
- Comprehensive community benefits through the construction and operational phases.

### **Purpose and Format of the Planning Statement**

2.9 The purpose of this Planning Statement is to provide information to allow the necessary consideration of the Proposal against all relevant planning policy and other material considerations. The Statement sets out how the relevant planning policies and all other material considerations to the determination of the Application have been considered in the evolution of the Scheme. It also sets out the extent to which the Application is compliant with all such considerations, to help inform the overall planning balance judgement.

2.10 As set out above, this Planning Statement forms one of the documents which has been submitted with this Application and is to be read in conjunction with the suite of Application Documents set out below:

- Planning Application Form, prepared by Montagu Evans LLP
- Application Document Schedule, prepared by SPPARC
- Community Infrastructure Levy Form, prepared by Montagu Evans LLP
- Drawing Schedule, prepared by SPPARC
- Site Location Plan, prepared by SPPARC
- Site Block Plan, prepared by SPPARC
- Application Drawings, prepared by SPPARC
- Covering Letter, prepared by Montagu Evans LLP
- Design and Access Statement, prepared by SPPARC
- Schedule of Works, prepared by SPPARC
- Heritage Statement, prepared by Montagu Evans LLP
- Structural Report, prepared by Elliot Wood
- Noise Impact Assessment, prepared by Hoare Lea
- Basement Impact Assessment, prepared by Elliot Wood
- Air Quality Assessment, prepared by Hoare Lea
- Contaminated Land Assessment, prepared by Pell Frischmann
- Daylight Sunlight Assessment, prepared by Point 2
- Flood Risk Assessment, prepared by Elliot Wood
- Landscaping and Urban Greening Factor, prepared by RPS
- Lighting Assessment, prepared by Studio Fractal
- Fire Statement, prepared by OFR
- Delivery and Servicing Plan, prepared by Momentum
- Operational Management Plans, prepared by Citizen M, Cirque Du Soleil and Incipio
- Sustainability Statement, prepared by Hoare Lea
- Whole Life Carbon Assessment, prepared by Hoare Lea
- Circular Economy Statement, prepared by Hoare Lea
- Transport Assessment, prepared by Momentum
- Travel Plan, prepared by Momentum
- Construction Logistics Plan, prepared by Momentum
- BREEAM Pre-Assessment, prepared by Hoare Lea
- Energy Statement, prepared by Hoare Lea



- Health Impact Assessment, prepared by Buro Happold
- Crime Impact Assessment, prepared by QCIC
- Arboricultural Assessment, prepared by RPS
- Drainage and Sustainable Urban Drainage Strategy, prepared by Elliot Wood
- Waste Storage and Collection, prepared by Momentum
- Ecology Report, prepared by Diversity
- Biodiversity Net Gain Report, prepared by RPS
- Construction Management Plan, prepared by Kier
- Wind Assessment, prepared by Hoare Lea
- Façade Condition Survey, prepared by Ingram Consultancy
- Statement of Community Involvement, prepared by Yoo Capital
- Social Value Report, prepared by Montagu Evans
- Economic Report, prepared by Montagu Evans
- Ventilation Report, prepared by Hoare Lea
- Archaeology Report, prepared by RPS

2.11 Prior to the submission of this Scheme, in accordance with Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulation 2017, a Request for Screening Opinion was submitted to the LB Camden on 9 January 2024. The LB Camden confirmed on 29 January 2024 that the development would not constitute EIA development.

2.12 **Section 3** of this Statement provides background information on the Site. **Section 4** sets out the planning history for the Site. **Section 5** sets out the wider application proposals. **Section 6** summarises the planning policies relevant to the Site and the Scheme is assessed against the policies in **Section 7**. The planning benefits of the Proposal is summarised in **Section 8**. The proposed Heads of Terms are set out within **Section 9**.

2.13 This Planning Statement demonstrates that the Scheme:

- Has evolved through extensive discussions with officers at LB Camden and a range of key stakeholders, including Historic England, the Theatre's Trust and the GLA;
- Optimises a previously developed site within the Central Activities Zone ('CAZ');
- Restores the listed building's original use, while delivering a mixed-use scheme which aligns with both the GLA and LB Camden objectives for the Central Activity Zone;
- Significant repairs to listed building which is currently in a poor state of repair;
- Delivers high quality hotel floorspace (Use Class C1), bringing affordable and high-quality hotel stock to Camden;
- Delivers a world class theatre operator to the West End, bringing thousands of additional visitors to Camden;
- Delivering a high-quality design which responds to the character of the surrounding area, whilst respecting the surrounding conservation area and listed building;
- Provides a quantum of development in terms of bulk, scale and massing that respects the surrounding area and the listed building; and
- Is in accordance with relevant planning policy at national, regional and location level and delivers a sustainable development.

## 3.0 THE SITE

### The Application Site

- 3.1 The former Saville Theatre at 135-149 Shaftesbury Avenue is a grade II listed building. It was built in 1930-1931 as a three-level theatre and opened in 1931. The building was designed by architect T.P Bennett & Son and features a sculptured 40m frieze by Gilbert Bayes running along its front, representing 'Drama Through The Ages'.
- 3.2 In the 1960's, the Saville Theatre was bought by Brian Epstein and opened as a music venue in 1966, hosting artists such as The Who, Jimmi Hendrix and Elton John. After Brian Epstein's death in 1967, The Saville hosted shows created by Cameron Mackintosh.
- 3.3 In 1970, the Building opened as the newly refurbished two-screen ABC Cinema. It was subsequently acquired by Cannon Cinemas as part of a takeover in 1986, which then folded into the MGM chain in 1992. The Site was taken over by Odeon in 2001 as a four-screen cinema, and the layout that is visible today.
- 3.4 The Site is located along Shaftesbury Avenue and comprises a site area of approximately 0.13 hectares. A location plan showing the Site in the context of the surrounding area is enclosed within this Application submission.

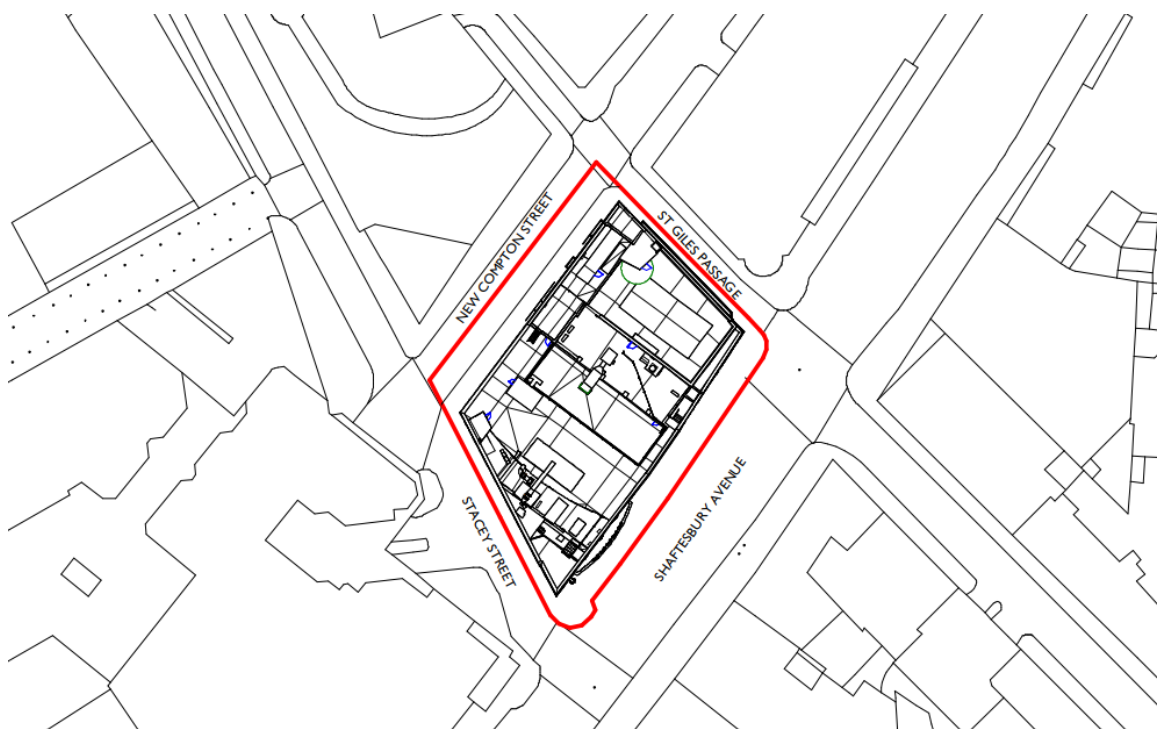


Figure 3.1 Site Location Plan (extract, not to scale)

- 3.5 The Site is entirely bounded by roads, taking the form of an 'island site.' The Site is bordered by Shaftesbury Avenue to the south, St Giles Passage to the east, Stacey Street to the west, and New Compton Street to the north.
- 3.6 The Site is not located within a Conservation Area, however it is bounded to the south side of Shaftesbury Avenue by Seven Dials Conservation Area, and bounded on the north side of New Compton Street by Denmark Street Conservation Area.

- 3.7 The rear of the site is a designated public open space of Phoenix Community Garden, which is also a local Site of Nature Conservation Importance.
- 3.8 The Site is located within the Holborn and Covent Garden ward.

### **Access**

- 3.9 The Site benefits from an excellent PTAL rating of 6b due to its connectivity to the rest of London. A large proportion of the visitors and staff of the Proposed Development will use the available public transport to access the Site.
- 3.10 It is anticipated that most of the trips to the Site would be made on foot or on public transport. Covent Garden, Tottenham Court Road and Leicester Square are the closest underground stations, all within a 5-minute walk from the Site.
- 3.11 As well as the access to underground stations, the Site has good access to national railway stations at Charing Cross, Euston, St Pancras International, and Kings Cross St Pancras. Apart from Charing Cross, which is a 10-minute walk, they are all around a 30-minute walk, and all have links to the nearby underground stations via the Northern line to Tottenham Court Road (Euston), or via the Piccadilly line to Leicester Square (St Pancras and Kings Cross).
- 3.12 There are numerous bus stops surrounding the Site including at Cambridge Circus, St Giles High Street and Tottenham Court Road. The stops around the Site serve a large number of routes that can connect visitors and staff across the whole of London.

### **Surrounding Context**

- 3.13 The surrounding area predominately consists of office, retail and leisure uses, which is expected, given the Site's location within the Central Activities Zone (CAZ). There are a range of residential uses nearby, namely to the west of the site on Stacey Street.
- 3.14 The Site lies within walking distance to Covent Garden and Seven Dials, and numerous theatres within the West End.

### **Planning History**

- 3.15 A planning history search of the Site has been undertaken. The following application, which was dismissed at appeal (Ref: 2017/7051/P and 2018/0037/L) is of relevance to this application:

*"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."*

- 3.16 The application was refused and subject to an Appeal (PINS references APP/X5210/W/19/3243781 and APP/X5210/Y/19/3243782). The Public Inquiry was held in December 2020.
- 3.17 In terms of the heritage impacts, the Inspector identified less than substantial harm to the significance of the listed building that would not be outweighed by the public benefits. The harm to the listed building was derived from "the change of use (including loss of fabric) and significant levels (of less than substantial harm) to the listed building through the rooftop extension" (paragraph 91 of the Inspector's Report).

- 3.18 It is noted that the cultural use (cinema) was small and provided entirely in a new basement, with the existing above-ground envelope of the listed building being hotel and associated uses, including a spa. The current Proposed Development represents a more appropriate solution for the listed building by introducing a theatre, the original use, and having the theatre lobby and associated hospitality space at the ground floor. In doing so, the cultural identity of the building would be better reinstated than the 2018 Scheme.
- 3.19 The height of the Proposed Development is greater than the two storeys proposed in the 2018 Scheme and there would remain less than substantial harm. The pre-application discussions with the LB Camden and Historic England have sought to minimise the harm as far as possible through design, including the form, placement and architectural expression of the new massing.
- 3.20 The evidence produced for the Appeal and subsequent studies, including the Enhanced Listing of the former Saville Theatre by Historic England in May 2023, means there is much more information available on the significance and condition of the listed building since the 2018 Scheme was developed. This means that the impact on significance and benefits can be understood more fully.
- 3.21 The Inspector did also recognise there would be “significant” heritage benefits to the listed building from “the repairs to the external frieze and the roundels, the repair and reinstatement of the arched window, and wider structural repairs. The proposal would also reintroduce the historic poster boxes and insert a new sympathetic canopy”. The Proposed Development would achieve these same benefits.
- 3.22 The Inspector found a harmful effect on the significance of the Denmark Street Conservation Area and Seven Dials (Covent Garden) Conservation Area, however he concluded this would be “acceptable” in the context of the heritage and other public benefits.

# 4.0 PRE-APPLICATION ENGAGEMENT

## Community & Stakeholder Engagement

4.0 As part of this Application, the Applicant undertook pre-application engagement with the local community. Yoo Capital held several meetings with local community groups and stakeholders as follows:

- The Phoenix Garden
- The Covent Garden Community Association
- The Seven Dials Trust
- The Theatres Trust
- Holborn and Covent ward councillors

4.1 Several meetings with each of the groups above have taken place and representatives of The Phoenix Garden, the Covent Garden Community Association and Seven Dials Trust also attended a site tour of 135 Shaftesbury Avenue and a tour of Olympia, another Yoo Capital site currently under construction on Friday 4th February 2022.

4.2 The Applicant delivered 7,626 letters to residents and businesses in the local area and held a drop-in consultation over 3 days.

4.3 Overall, the exercises, specifically the consultations gave a mixed response with some members being supportive of the whole scheme, some neutral and other concerned with activities that come with development and construction.

4.4 Further details of the community engagement event and further pre-application engagement undertaken by the Applicant are set out within the Statement of Community Involvement, prepared by Yoo Capital, submitted as part of this Application.

## Pre-Application Discussions

4.5 The Scheme has been developed in consultation with LB Camden, the GLA, the Theatres Trust, and Historic England.

4.6 Several pre-application meetings with LB Camden and the GLA have been held in the lead up to this Application. Pre-application meetings were held on the following dates:

- 5 November 2021 (Design)
- 2 March 2022 (Design)
- 17 March 2022 (Design)
- 21 April 2022 (Design)
- 14 June 2022 (Design)
- 15 December 2022 (Design)
- 30 January 2023 (Design)
- 21 March 2023 (Design)
- 1 November 2023 (Design)
- 16 November 2023 (Highways, Servicing & Construction)
- 21 November 2023 (GLA)
- 27 November 2023 (Inclusive Economy)
- 27 November 2023 (Construction Logistics Workshop)
- 20 December 2023 (Design)
- 21 February 2024 (GLA)

- 4.7 These discussions have further developed the Proposal in terms of façade design, height, massing, community benefits, and servicing. Specifically, the discussions with LB Camden, GLA, Camden DRP and Historic England have been carefully considered throughout this Application and have further developed the Proposed Development.
- 4.8 There have also been lengthy discussions with Theatres Trust including two consultations with the most recent one presenting the current position of the scheme and the introduction of Cirque Du Soliel as the proposed operator.
- 4.9 The Scheme was presented to the Camden Design Review Panel ('DRP') on 10 November 2023.
- 4.10 Following submission of the Planning Application in 2024, the Applicant has continued to liaise with LB Camden, GLA, Historic England and Theatres Trust to respond to consultation feedback.
- 4.11 Pre-application advice was received from the GLA on 10 February 2025. This provided the following Assessment Summary:

*"The reinstated theatre within the West End would respond positively to London Plan policies which seek to promote and enhance London's cultural offering and visitor attractions. As such, the theatre use is strongly supported by GLA Officers. The hotel use is in line with the strategic function of the CAZ. Conservation concerns remain, with the overall proposal considered to cause a high level of less than substantial direct harm."*

# 5.0 DEVELOPMENT PROPOSAL

5.1 As set out in Section 1.0 of this Statement, the Application proposes:

- Extensive refurbishment of the listed building façade;
- Partial demolition and reconstruction of north façade;
- Excavation of two additional basement levels;
- Erection of 5-storey roof extension plus plant;
- Creation of a new 6,097 sqm hotel for citizenM;
- Provision of 3,688 sqm of theatre space, comprising Cirque du Soleil's first permanent UK home;
- Ancillary retail at ground floor level, associated with the theatre use; and
- Addition of 1,291 sqm ancillary floorspace, including servicing facilities and cycle parking.

5.2 Further details of the scheme are set out within the Design and Access Statement prepared by SPPARC, which accompanies this submission.

5.3 This Application proposes the following floorspace (GIA):

Use Class	Floorspace
Hotel – (Class C1)	6,097 sqm
Theatre and Ancillary Restaurant / Bar - (Sui Generis)	3,688 sqm
Ancillary/Plant	1,291 sqm
Total	11,076sqm

## Repairing the Listed Building

5.4 The building facades are in a declining condition with significant cracking at the building corners, at parapet level, and other high level areas including window heads. Vertical cracking is also present across the front elevations. This cracking is indicative of laminar corrosion of the structural steel building frame which is encased within the external façade. An Initial Intrusive Investigation was conducted by Stonewest Limited in November 2024 to further investigate the presence of 'Regent Street Disease'. This Investigation concluded that *"The pattern of observed surface cracking in the area and orientation of structural steels is indicative of RSD but further exposure is required to establish categorical evidence."*

5.5 The Application includes the much-needed repair of the building. Further details relating to the proposed restoration works are contained within the accompanying Design and Access Statement, prepared by SPPARC Architects.

## Theatre Use

5.6 This Application proposes to restore the historic use of the Saville Theatre. The proposals will deliver a world-class theatre within the additional basement levels. The ground floor will provide a front of house experience to enhance the ground floor activation. The creation of the theatre will bring the world-renowned Cirque de Soleil to the West End, for its first permanent home outside of North America.

5.7 Cirque de Soleil will occupy the theatre for a long lease term, with a bespoke fit out designed to create an intimate and unique experience within the heart of the West End. If Cirque de Soleil do depart the theatre, this refurbishment has provided enough flexibility to allow another theatre to occupy the space, with multiple options for stage reconfiguration, if required.

- 5.8 The original layout of the Saville Theatre had three floors with a 35 degrees steep rake of seating towards the stage. This resulted in a poor visitor experience and limited seats with sufficient views of the stage. The visitor expectations have increased since the creation of the theatre and this theatre layout now has poor front of house experience with limited interaction and options for consumers as well as poor ground floor activation.
- 5.9 Lowering the theatre allows the centralisation of the core ensuring that modern standards are adhered too, both in terms of building and fire regulations. It also delivers an entry / customer experience required at a world-class theatre, including the front of house, seats and stage visibility, whilst also reflecting the characteristics of the original theatre, stepping down into the auditoria space.
- 5.10 The meaningful use of a theatre will positively reignite the building once again and create a world-class theatre in the heart of the West End for a world class operator, another substantial public benefit.

### **Roof Extension**

- 5.11 The proposed extension has been designed to respect and enhance the listed building, by ensuring the massing appears subservient to the listed building. The design also responds to the character of the listed building by differentiating between the heritage asset and the contemporary roof extension. The Scheme also includes the retention of the original fly tower.
- 5.12 Further details relating to this element of the Application are contained within the accompanying Design and Access Statement, prepared by SPPARC Architects.

### **Hotel Use**

- 5.13 This Application proposes the erection of five additional storeys and a plant level above the existing building, to introduce the hotel provider 'Citizen M'. This will provide an affordable luxury hotel in the heart of the CAZ, with 211 keys.
- 5.14 This roof extension will introduce a contemporary and high-quality design to differentiate itself to the listed building. It has been designed to ensure the extension's massing and design responds sensitively to the Site and its surrounding context, including the listed building, neighbouring conservation areas and Phoenix Community Gardens.

### **Deliveries & Servicing**

- 5.15 To enable servicing to take place on New Compton Street, it is proposed to re-purpose the existing residential permit parking location along the Site's frontage to a shared use bay.
- 5.16 The existing residential permit parking bay permits parking for permit holders at all times and is 16.3m in length enabling three vehicles to park at any time.
- 5.17 It is proposed that between the hours of 08:00 – 20:00 the bay would be utilised as a loading bay whilst overnight between the hours of 20:00 – 08:00, the bay would accommodate residential parking for permit holders.
- 5.18 Further details of the proposed servicing arrangements are contained within the Design and Access Statement and Delivery & Servicing Plan.

### **Cycle Parking**



- 5.19 The Proposed Development would be car free, encouraging sustainable travel to the Site.
- 5.20 The Proposed Development would provide 32 long-stay cycle parking spaces, this would encourage sustainable travel to the Site. London's cycleway network runs nearby to the Site on Endell Street, further encouraging active travel to the Site.
- 5.21 The Proposed Development would exceed the requirements of the London Plan cycle parking requirements by providing 18 short stay cycle parking spaces. All short stay cycle parking would be publicly accessible. This would increase the provision of publicly accessible short stay cycle parking in the area.
- 5.22 As the proposed restaurant would be linked to the operation of the theatre, all trips generated by the restaurant would be linked to the theatre. Therefore, the proposed restaurant GEA has been incorporated into the theatre GEA for the purpose of cycle parking calculations. The proposed cycle parking provision exceeds the requirements of the London Plan and is in line with the requirements of Camden Planning Guidance on Transport. It is noted that LB Camden's cycle parking standards require 20% more than the London Plan standards.

### **Landscape**

- 5.23 The Proposed Development will provide habitat and biodiversity enhancements within the landscape elements of the scheme. Urban greening is provided through green walls, green roof systems and raised planters. Botanical interest will include flowering, scented and textural species, offering a rich experience to wildlife. Selected landscape elements will be visible to hotel guests. An external terrace for the hotel will also be provided.

## 6.0 PLANNING POLICY CONTEXT

- 6.1 This Application has been informed by adopted Development Plan policies and other relevant guidance. This section of the Planning Statement provides a summary of the planning policy context and other material considerations based on which **Section 7** then provides an assessment of the Application against the policies and guidance contained within these documents.
- 6.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) states that “the determination must be made in accordance with the development plan and any national development management policies, taken together, unless material considerations strongly indicate otherwise”.
- 6.3 Section 70 of the Town and Country Planning Act 1990 (as amended) states that when determining applications for planning permission, the Local Planning Authority should “have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations”.

### **The Development Plan**

#### *Planning Policy*

- 6.4 The Statutory Development Plan for the Site comprises the:
- London Plan (2021) (the “London Plan”);
  - Camden Local Plan (2017) (the “Local Plan”); and
  - Kentish Town Neighbourhood Plan (2016) (the “Neighbourhood Plan”).
- 6.5 The London Plan key policies associated with this application are set out below:
- Policy GG1 Building strong and inclusive communities
  - Policy GG2 Making the best use of land
  - Policy GG3 Creating a healthy city
  - Policy GG5 Growing a good economy
  - Policy SD4 The Central Activities Zone (CAZ)
  - Policy SD6: Town centres and high streets
  - Policy SD7 Town centre: development principles and Development Plan documents
  - Policy D1 London’s form, character and capacity for growth
  - Policy D3 Optimising site capacity through the design-led approach
  - Policy D4 Delivering good design
  - Policy D9 Tall buildings
  - Policy D10 Basement development
  - Policy D12 Fire safety
  - Policy E10 Visitor infrastructure
  - Policy HC1 Heritage conservation and growth
  - Policy HC5 Supporting London’s culture and creative industries
  - Policy HC6 Supporting the night-time economy
  - Policy G1 Green infrastructure

- Policy G5 Urban greening
- Policy G6 Biodiversity and access to nature
- Policy SI 1 Improving air quality
- Policy SI 2 Minimising greenhouse gas emissions
- Policy SI 3 Energy infrastructure
- Policy SI 4 Managing heat risk
- Policy T3 Transport capacity, connectivity and safeguarding
- Policy T7 Deliveries, servicing and construction

6.6 The LB Camden Local Plan key policies of particular relevance with this application are set out below:

- Policy G1 Delivery and location of growth
- Policy C3 Culture and leisure facilities
- Policy E1 Economic Development
- Policy E3 Tourism
- Policy A1 Managing the impact of development
- Policy A5 Basements
- Policy CC1 Climate change mitigation
- Policy CC4 Air quality
- Policy T1 Prioritising walking, cycling and public transport
- Policy DM1 Delivery and monitoring
- Policy H2 Maximising the supply of self-contained housing from mixed-use schemes

#### *Planning Guidance*

6.7 The Greater London Authority (GLA) has published several supporting documents that are relevant in the consideration of this Application. Of particular relevance are:

- Optimising Site Capacity: A Design-led Approach (June 2023);
- Urban Greening Factor Guidance (February 2023);
- Air Quality Positive Guidance (February 2023);
- Air Quality Neutral Guidance (February 2023);
- Energy Planning Guidance (June 2022);
- Circular Economy Statement Guidance March 2022);
- Whole Life-Cycle Carbon Assessment (March 2022);
- Be Seen energy monitoring guidance (September 2021);
- Central Activities Zone (March 2016);
- Culture and Night-Time Economy (November 2017);
- The control of dust and emissions during construction and demolition (July 2014); and
- Sustainable Design and Construction (April 2014).

6.8 LB Camden has adopted supplementary planning documents (SPDs) and guidance (SPGs) documents. These are also material considerations in respect of this Application. Those of particular relevance are the adopted:

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

- Amenity CPG (2021);
- Biodiversity CPG (2018);
- Community uses, leisure and pubs (2021);
- Design (2021);
- Developer Contribution CPG (2019)
- Employment sites and business premises CPG (2021);
- Energy and efficiency and adaptation (2021);
- Housing CPG (2021);
- Planning for health and wellbeing CPG (2021);
- Public open space CPG (2021);
- Town centres and retail CPG (2021);
- Transport (2021);
- Trees CPG (2019);
- Water and Flooding CPG (2019).

### **Other Material Considerations**

#### *Planning Framework*

- 6.9 Planning frameworks provide guidance for specific sites and areas of Camden where we expect growth and development to happen. They provide place-specific guidance to ensure the development of key sites meets the Council's aspirations in terms of land uses, design and infrastructure provision, securing the benefits of growth for Camden and its residents. They are an important consideration when the Council assesses planning applications.

#### *Emerging Planning Policy*

- 6.10 LB Camden published a draft new Local Plan on Wednesday 17 January 2023.
- 6.11 Although the new Local Plan (including site allocations) will not form part of the development plan until it is adopted, it will form a material consideration in planning decisions during its preparation. The weight to be given to an emerging plan is a matter for the Council as decision maker, with plans gaining more weight as they progress through the process towards adoption.
- 6.12 The Site is allocated under Site Allocation S19 (HCG4) of Camden's draft new Local Plan. The Site Allocation states:

#### ***"DEVELOPMENT AND DESIGN PRINCIPLES***

##### ***Development must:***

- a) retain the Grade II listed building and ensure that its fabric and setting are protected, restored and enhanced, particularly the building's distinctive features. A full assessment of the remaining internal historic fabric of the building should be undertaken;*
- b) retain the cinema/theatre use and ensure that any other uses introduced on the site do not compromise or restrict the viability or operation of the cinema/theatre;*
- c) ensure that the cinema/theatre function is integrated in the building's design, including careful consideration of the location, size and relationship of the screening rooms/stage, to circulation and other public spaces;*
- d) only consider alternative public cultural uses if it can be demonstrated to the Council's satisfaction that a cinema or theatre operator cannot be identified;*
- e) retain the main, front entrance for the cinema/theatre use, and use side or rear entrances for any secondary uses;*

f) ensure that any roof extension will be of the highest architectural quality to complement and enhance the host building and be of a height and massing that is appropriate to the site's surrounding townscape and responds to the neighbouring conservation areas; and

g) explore options for activating the blank façades facing St Giles Passage, New Compton Street and Stacey Street, including windows, entrances and active ground floor uses that contribute to the life on the street.

#### INFRASTRUCTURE REQUIREMENTS

Development must:

h) contribute to improvements of the public realm around the building to create better lit routes and encourage activity around the building; and

i) work with the local community to protect and enhance the setting of Phoenix Gardens.

#### OTHER CONSIDERATIONS

• A Flood Risk Assessment will be required in accordance with Policy CC11 (Flood Risk), as the site is within an area identified by the Council as being at risk of flooding.

• This site is within a Tier II Archaeological Priority Area and so archaeological investigations should be undertaken to establish the extent of any surviving remains of interest and record as appropriate.”

#### National Planning Policy Framework (“NPPF”)

6.13 The revised National Planning Policy Framework (the “NPPF”) was updated in December 2024. The NPPF sets out the Government’s approach to planning matters and is a material consideration in the determination of planning applications.

6.14 At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a ‘golden thread’ running through decision-taking (paragraph 11), and goes onto state that:

*“For decision taking this means:*

- *approving development proposals that accord with an up-to-date development plan without delay; or*
- *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
  - *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

6.15 In March 2014, the Government published the Planning Practice Guidance (“PPG”) which is a material consideration in relation to planning applications. The PPG replaces several previous circulars and guidance to provide a simplified single source of guidance at the national level. The PPG is a material consideration in the determination of applications and is regularly updated.

#### Site Specific Designation

6.16 LB Camden adopted its Policies Map in 2021. An extract from the Policies Map is set out below.

- Grade II listed;
- Central Activities Zone; and
- Archaeological Priority Area.







-  Central London Frontage
-  Local
-  Open Space
- 

Figure 6.1: Extract from Policies Map (2021)

# 7.0 PLANNING ASSESSMENT

7.1 This section of the Statement assesses the component parts of the Proposed Development against the Statutory Development Plan and other material considerations as outlined in **Section 6**.

## Land Use

### *Principle of Theatre Use (Sui Generis)*

7.2 At the heart of the NPPF is the presumption in favour of sustainable development. Amongst the key themes in achieving sustainable development is through ensuring the vitality of town centres, promoting sustainable transport, supporting a strong economy and delivering good design. Paragraph 85 of the NPPF states that planning decisions should create conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

7.3 Policy HC5 (Supporting London's culture and creative industry) of the London Plan supports the continued growth and evolution of London's diverse cultural facilities and creative industries. Proposals should promote existing cultural venues, facilities and uses where appropriate and support the development of new cultural venues in places with good public transport connectivity. Policy HC6 (Supporting the night-time economy) further promotes development which protects and supports evening and night-time cultural venues to enhance its diversification and growth.

7.4 Additionally, London Plan Policy E10 (Visitor infrastructure) recognises that special characteristics of major clusters of visitor attractions and heritage assets and the diversity of cultural infrastructure in all parts of London should be conserved, enhanced and promoted.

7.5 At a local level, Policy C3 of the Local Plan (2017) seeks to protect cultural and leisure facilities. The LB Camden SPG, Community uses, leisure facilities and pubs (2021), recognises the contribution that theatres make to the borough's character, where they have an important cultural and leisure role. They seek to protect theatres that are suitable for continued theatre use from being converted to other leisure uses.

7.6 The original use of the Grade II listed building is a theatre. The principle of restoring the historic theatre use is wholly appropriate in policy terms while supporting the variety and richness of culture facilities within Camden.

### *The Operator – Cirque Du Soleil*

7.7 The introduction of Cirque Du Soleil will positively contribute to Camden's economy, bringing in domestic and international tourists, while employing and supporting the local community. As an entertainment group, Cirque Du Soleil's offer will further develop the variety of cultural richness into Camden, and the wider Central London, as well as creating a substantial public benefit for the community.

7.8 As set out above, this site is within the Central Activities Zone and located in the West End. As such, both the London Plan and Local Plan strongly supports the protection and promotion of cultural facilities. The restoration of a historic theatre as a principle is wholly supportive, as it further enhances the cultural richness of Camden and in a broader sense, London.

7.9 Cirque Du Soleil have signed a long lease and as such the functionality and longevity of the Saville Theatre has been secured. This further supports the London and Local Plan as the London Plan Policy HC5 supports the continued growth

and evolution of London's diverse cultural facilities and creative industries. The introduction of Cirque Du Soleil will further evolve the offering of London and the West End to create a unique and bespoke performance.

7.10 In light of the above, the Application accords fully with the relevant land use policies identified above within the adopted planning policy.

#### *Principle of Hotel Use*

7.11 Paragraph 90 of the NPPF notes that local authorities are to define a network and hierarchy of Town Centres and promote their long-term vitality and viability by allowing them to grow and diversify in a way which can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters.

7.12 London Plan Policy SD6 (Town centres and high streets) promotes and enhances the vitality and viability of London's varied town centres. The policy recognises that these should be enhanced by encouraging strong, resilient, accessible and inclusive hubs with a diverse range of uses that meet the needs of Londoners, including main town centre uses, night-time economy, civic, community, social and residential uses.

7.13 Additionally, the London Plan Policy E10 (Visitor infrastructure) states that London's visitor economy and associated employment should be strengthened by enhancing and extending its attractions, inclusive access, legibility, visitor experience and management and supporting infrastructure, particularly to parts of Outer London well-connected by public transport, taking into account the needs of business as well as leisure visitors.

7.14 At a local level, the Camden Local Plan Policy E3 (Tourism) recognises the importance of the visitor economy in Camden and will support tourism development and visitor accommodation. The policy sets out the following expectations:

- They will expect new, large-scale tourism development and visitor accommodation to be location in Central London, particularly the growth areas of King's Cross, Euston, Tottenham Court Road and Holborn;
- Encourage large-scale tourism development and visitor accommodation to provide training and employ Camden residents;
- Protect existing visitor accommodation in appropriate locations.

7.15 The Scheme will support and enhance the Central Activities Zone by providing additional hotel accommodation within a central London location, with easy access to public transport and close to a significant amount of leisure facilities. As such, this scheme is complimentary of the strategic objectives of the CAZ, and the delivery of hotel floorspace at this location accords with the policy requirements set out above.

7.16 The hotel operator, Citizen M, delivers hotels in central city locations with an affordable price, while creating hybrid spaces to allow visitors to also work, relax, play and sleep at the hotel. Citizen M welcomes the local residents and community to use their facilities to work, host meetings or relax – a material public benefit wrought by the Scheme.

#### *Self-contained Housing*

7.17 Camden Policy H2 (Maximising the supply of self-contained housing from mixed-use schemes) promotes the inclusion of residential development as part of a mix of uses, where non-residential development is proposed. In the Central London area, where development involves additional floorspace of more than 200 sqm GIA, Camden require 50% of all additional floorspace to be self-contained housing.



7.18 Policy H2 further states that “where the Council is satisfied that providing on-site housing is not practical or housing would more appropriately be provided off-site, we will seek provision of housing on an alternative site nearby, or exceptionally a payment-in-lieu”.

7.19 It would not be practical or appropriate to provide housing on site as part of the Application, due to the nature of the proposed uses. It is noted that Site Allocation S19 (HCG4) of the draft new Local Plan states that a contribution to delivery of housing off site will be expected on this Site.

## **Design**

7.20 High quality and inclusive design are encouraged at all policy levels. The NPPF notes that “good design” is a key aspect of sustainable development and should contribute positively to making places better for people. Part 135 of the NPPF outlines the requirement for good design and sets out that developments:

- *“will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

7.21 Paragraph 137 states that design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests.

7.22 Chapter 3 of the London Plan reinforces the Mayor’s commitment to ensuring the delivery of good quality designed developments, which reflect and respond to London’s character. Policy D1 (London’s form, Character and Capacity form growth) requires developments to respond to local context by delivering buildings and spaces that are positioned and are of a scale, appearance and shape that responds successfully to the identity and character of the locality. Furthermore, Policy D5 (Inclusive Design) requires developments to deliver inclusive environments that meet the needs of all Londoners.

7.23 At a local level, Policy D1 (Design) of the Local Plan (2017) seeks to secure high quality design in development. LB Camden require development to; respect local context and character, preserve or enhance the historic environments and heritage assets, be sustainable in design and construction incorporating best practice in resource management and climate change mitigation. While also comprising details and materials that are of high quality and complement the local character, integrate well with the surrounding streets and open spaces, improve movement through the site and the wider area, be inclusive and accessible for all and secure and be designed to minimise crime and antisocial behaviour.

7.24 A Design and Access Statement, produced by SPPARC forms part of the Application and demonstrates that the Proposed Development accords with national, regional and local policy through the provision of a scheme which is of the highest architectural quality and responds to its setting through carefully considered design and the sensitive use of materials.

This is particularly important due to the heritage significance of the building, to ensure the extension appears proportionate to and comfortable with the listed building, to preserve and enhance the heritage asset's significance.

## Heritage

7.25 In relation to heritage assets, a strategic policy of the NPPF is to conserve and enhance the historic environment. Paragraph 195 describes heritage assets as an:

*“...irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.”*

7.26 Paragraph 207 further states that in determining applications, local planning authorities should require an application to describe the significance of any heritage assets affected, including any contributions made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

7.27 The enhancement and preservation of heritage assets is encouraged at all policy levels. The NPPF Paragraph 210 establishes the requirements LPA's should follow when determining applications with heritage impacts, as set out below;

- a. *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b. *the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;*
- c. *the desirability of new development making a positive contribution to local character and distinctiveness; and g) opportunities to draw on the contribution made by the historic environment to the character of a place.*

7.28 Paragraph 212 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

7.29 Furthermore, paragraph 2014 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.

7.30 Policy HC1 (Heritage conservation and growth) from the London Plan recognises that proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early in the design process.

7.31 At a local level, Policy D2 (Heritage) states that proposals should preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings. The council will not permit the loss of or substantial harm to a designated heritage asset, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

7.32 Specifically for listed buildings, Policy D2 (Heritage) states that to preserve or enhance the borough's listed buildings, the Council will:

- a. resist the total or substantial demolition of a listed building;
  - b. resist proposals for a change of use or alterations and extensions to a listed building where this would cause harm to the special architectural and historic interest of the building; and
  - c. resist development that would cause harm to significance of a listed building through an effect on its setting.
- 7.33 The Heritage, Townscape & Visual Impact Assessment, prepared by Montagu Evans, considers the effect of the proposals on the former Saville Theatre as a Grade II listed building and the setting impact on heritage assets in the surrounding area, including two conservation areas.
- 7.34 The Heritage, Townscape & Visual Impact Assessment considers that there would be would harm to the special interest of the former Saville Theatre as a result of:
- The removal and loss of surviving original fabric internally;
  - The demolition of the existing rear elevation; and
  - The construction of a new building which rises five storeys above the existing parapet line which would alter the original proportions of the building.
- 7.35 The harmful impacts have been minimised and to some extent mitigated through the detailed design of the extension.
- 7.36 According to the list entry description, the building’s architectural interest lies in “its restrained and carefully proportioned form, specifically designed to integrate the purpose-designed sculptural work by Gilbert Bayes”. With reference to this reason for designation, the architectural interest in the building lies in its offering as an appropriate setting for the sculpture. It is the sculpture that distinguishes the building.
- 7.37 The proposed architectural concept for the new storeys above the existing building includes the horizontal setback (the ‘belt’) which creates a visual break and emphasises the horizontality of the whole building. The horizontality reinforces the continuity of the frieze, which, is prominent and flush from the façade as distinct from the horizontal belt which is recessed.
- 7.38 The proposals would retain and restore the frieze and its original setting. The design of the new development is influenced by the frieze and seeks to emphasise it. Therefore, the level of harm cannot be high in our view because the proposals would not seriously diminish or remove the main reason for the building’s designation.
- 7.39 The Heritage, Townscape & Visual Impact Assessment concludes there would be a low level of less than substantial harm from the new massing.
- 7.40 Applying the ‘internal heritage balance’ approach, in this case, the proposals would achieve significant heritage benefits:
- The reinstatement of original theatre use;
  - Addressing the Regents Street Disease; Restoring the front and side elevations including the Bayes frieze and lost architectural details such as the front window and entrance canopy; and
  - Creating an attractive and exciting entry experience that would celebrate the theatre use at the ground floor and introduce a new way to experience the front window from inside the building (which it has never had before)  
;
  - Reconstructing the rear elevation in facsimile which would restore original window openings; and
  - Long-term maintenance and the opportunity for interpretation of the building’s history and architectural interest.
- 7.41 The proposals would provide the building with a sustainable use with longevity: the theatre is adaptable, and the hotel use is a complementary one. Both uses are publicly accessible and actively invite people to enjoy the space.

- 7.42 In terms of the heritage balance, the heritage benefits are weighty and count strongly in favour of the scheme, but they would not be sufficient to outweigh the harm entirely. The Heritage Assessment concludes there would be a low level of less than substantial harm to the Grade II listed building to be considered in the planning balance.
- 7.43 Paragraph 215 of the NPPF requires less than substantial harm to a designated heritage asset to be balanced against public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 7.44 It is important to note that the FVA demonstrates that the proposed hotel use is an enabling use that is better able to cross subsidise the costs of development than is the proposed theatre. Given the harm caused by the hotel extension, it is necessary to prove that the quantum of hotel use being sought is the minimum required, for this scheme to be deliverable. The FVA shows that the Proposal minimises the harm as much as possible, in the context of these proposals, whilst still remaining financially viable.
- 7.45 The Heritage, Townscape & Visual Impact Assessment report also considers the proposals in their townscape context. The proposed uses are complementary to the function of the area and would introduce activity and natural surveillance to the area to the north of the site which is currently uninviting and experiences anti-social behaviour.
- 7.46 The position of the entrances and the new architecture would invite people on a journey from Seven Dials to Shaftesbury Avenue which would be a significant townscape benefit.
- 7.47 The visual impact of the proposals would be quite limited, and this has been demonstrated by a Zone of Theoretical Visibility, verified views and model testing.
- 7.48 In conclusion, the Heritage, Townscape & Visual Impact assessment concludes that the proposals are ambitious and would cause less than substantial harm to a Grade II listed building. Overall and considering the heritage benefits that the proposals would achieve for the building, they conclude that the level of harm would be low. Paragraph 215 of the NPPF requires a balance of public benefits in cases of less than substantial harm to designated heritage assets. The public benefits would include the townscape and visual benefits described in this report.
- 7.49 The report notes that there would be a profound change to the character of the listed building, however the proposals would also be an exciting new act in the building's history, as well as the history of Theatreland in Camden, that would conserve its historical use and architectural significance.

### **Basement**

- 7.50 The London Plan Policy D10 (Basement Development) establishes that boroughs should address the negative impacts of large-scale basement development beneath existing buildings, where this is identified as an issue locally.
- 7.51 The Camden Local Plan Policy A5 (Basements) only permits basement development where it is demonstrated to its satisfaction that the proposal would not cause harm to:
- a. *"Neighbouring properties;*
  - b. *The structural, ground, or water conditions of the area;*
  - c. *The character and amenity of the area;*
  - d. *The architectural character of the building; and*
  - e. *The significance of heritage assets.*

*The siting, location, scale and design of basements must have minimal impact on, and be subordinate to, the host building and property. Basement development should:*

- f. not comprise of more than one storey;*
- g. not be built under an existing basement;*
- h. not exceed 50% of each garden within the property;*
- i. be less than 1.5 times the footprint of the host building in area;*
- j. extend into the garden no further than 50% of the depth of the host building measured from the principal rear elevation;*
- k. not extend into or underneath the garden further than 50% of the depth of the garden;*
- l. be set back from neighbouring property boundaries where it extends beyond the footprint of the host building;*  
*and*
- m. avoid the loss of garden space or trees of townscape or amenity value.*

*Exceptions to f. to k. above may be made on large comprehensively planned sites.”*

- 7.52 The proposed basement works involve demolition of all the internal structure of the existing building, leaving the façade and basement retaining walls in place; the northern façade will be partially removed and reinstated as part of the works. An additional three levels of new basement will be formed by deepening the existing basement.
- 7.53 The upper three levels of basement (B1 to B3) are proposed to be used as theatre space, with the lower B4 level used for shared plant. At ground level, theatre Front of House will be provided with a hotel extending above.
- 7.54 As a large, comprehensively planned site, aspects f. to k. are not appropriate in the proper assessment of the basement and as such, the basement meets with all relevant requirements set out in the above policy. It is also the case that the proposed basement works are critical to deliver a fit-for-purpose theatre on this Site and for the deliverability of the Scheme overall.

### **Accessibility**

- 7.55 London Plan Policy SD6 (Town Centres and high streets) states that the vitality and viability of London’s varied town centres should be promoted and enhanced by: encouraging strong, resilient, accessible and inclusive hubs with a diverse range of uses that meet the needs of Londoners, including main town centre uses, night-time economy, civic, community, social and residential uses. Policy D5 (Inclusive Design) aims to achieve the highest standards of accessible and inclusive design. They should;
- a. be designed taking into account London’s diverse population;
  - b. provide high quality people focused spaces that are designed to facilitate social interaction and inclusion;
  - c. be convenient and welcoming with no disabling barriers, providing independent access without additional undue effort, separation or special treatment;
  - d. be able to be entered, used and exited safely, easily and with dignity for all; and
  - e. be designed to incorporate safe and dignified emergency evacuation for all building users. In all developments where lifts are installed, as a minimum at least one lift per core (or more subject to capacity assessments) should be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building.

7.56 An accessibility statement has been prepared by Buro Happold which demonstrates how the Application can create an accessible and inclusive built environment, within the existing constraints of the building's heritage.

### **Highways & Waste**

7.57 NPPF Paragraph 117 sets out that development should ensure that:

- a) *give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- b) *address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- c) *create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- d) *allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
- e) *be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.*

7.58 Chapter 10 of the London Plan provides the regional guidance for transport. London Plan Policy T1 (Strategic approach to transport) states that all developments should make the most effective use of land, reflecting its connectivity 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.

7.59 London Plan Policy T2 (Healthy Streets) states that proposals should reduce the dominance of vehicles on London's streets, whilst being permeable by foot and cycle and connectable to local walking and cycling networks as well as public transport.

7.60 At a local level, the Local Plan Policy T1 (Prioritising walking, cycling and public transport) promotes sustainable transport by prioritising walking, cycling and public transport in the borough. LB Camden will seek to ensure that developments will;

- a. Improve the pedestrian environment by supporting high quality public realm improvement works;
- b. make improvements to the pedestrian environment including the provision of high quality safe road crossings where needed, seating, signage and landscaping;
- c. are easy and safe to walk through ('permeable'); and
- d. are adequately lit.

7.61 The Site benefits from a Public Transport Accessibility Level (PTAL) rating of 6b, the highest rating based on a scale of 1 to 6b, indicating an excellent level of accessibility to public transport. Public transport options include numerous bus routes, as well as three underground stations, Tottenham Court Road, Covent Garden, and Leicester Square. These transport hubs allow the Site to link to areas across the whole of London.

7.62 A Delivery and Servicing Plan has been prepared by Momentum Transport Consultancy as part of this Application. It has proposed that vehicles will access the Site from New Compton Street to service the Site.

7.63 Vehicles would approach the Site by travelling westbound along St Giles High Street (A40) and then travel southbound along New Compton Street. When departing the Site vehicle would continue travelling southbound along New Compton Street, then turn left to travel southbound along Stacey Street, and turn left to travel northbound on Shaftesbury Avenue.

- 7.64 The Assessment concludes that the Proposed Development This DSP outlines the proposed delivery and servicing and waste management strategies for the redevelopment of the existing site at 135 Shaftesbury Avenue. The strategy set out in this DSP is in line with all current and relevant policies,
- 7.65 The expected levels of waste generated would be accommodated at ground floor, from which refuse vehicles would collect waste.
- 7.66 The targets and measures proposed are intended to raise awareness of the Delivery and Servicing Plan, ensure it is well implemented, and continuously mitigate against any impacts of the forecast servicing movements of the Site.
- 7.67 The preparation of the Full Delivery and Servicing Plan should be completed in consultation with the London Borough of Camden, who will ultimately be responsible for approving the final document.

#### *Cycle Parking*

- 7.68 Both the NPPF and the London Plan promote cycling in locations which can be made sustainable. Paragraph 117 of the NPPF requires developments to provide safe, secure and attractive places which give priority first to walking and cycling networks with supporting facilities such as secure cycle parking.
- 7.69 Policy T5 (Cycling) of the London Plan outlines developments should provide cycle parking at least in accordance with the minimum standards set out in Table 10.2, ensuring that a minimum of two short stay and two long stay cycle parking spaces are provided where the application of the minimum standards would result in a lower provision. Cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards.
- 7.70 Policy T1 (Prioritising walking, cycling and public transport) of the Local Plan promotes cycling in the borough and ensure safe and accessible environment for cyclist, development should seek to provide for and make contributions towards connected, high quality, convenient and safe cycle routes, in line or exceeding London Cycle Design Standards. While providing for accessible, secure cycle parking facilities exceeding minimum standards outlined within the London Plan and design requirements outlined within our supplementary planning document Camden Planning Guidance on transport (2021).
- 7.71 The Transport SPG advises that LB Camden will seek high quality cycle parking facilities and applicants must provide, as a minimum, the quantity of cycle parking spaces set out in the London Plan. Applicants will provide cycling facilities that are fully inclusive and accessible by step free access.
- 7.72 As set out within this Statement, the proposed quantum of cycle parking spaces accords with the requirements of the London Plan, as set out above.

#### **Archaeology**

- 7.73 Chapter 16 of the NPPF relates to the conserving and enhancing the historic environment and identifies heritage assets as an irreplaceable resource and that they should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 7.74 Furthermore, Policy HC1 (Heritage Conservation and growth) of the London Plan, as set out above, requires development proposals affecting heritage assets and their settings to conserve their significance.

- 7.75 At a local level, Policy D2 (Heritage) requires developments to protect remains of archaeological importance by ensuring acceptable measures are taken proportionate to the significance of the heritage asset to preserve them and their setting, including physical preservation, where appropriate.
- 7.76 An archaeological desk-based assessment has been prepared by RPS on behalf of YC Saville Theatre Limited. In terms of relevant designated heritage assets, the study site does not lie within the vicinity of a World Heritage Site, Scheduled Monument, Historic Battlefield or Historic Wreck. In terms of relevant local designations, the site lies within the Tier I Archaeological Priority Area 'Lundenwic'.
- 7.77 The site can be considered to have had archaeological potential in advance of the construction of the Shaftesbury Odeon Theatre. This assessment suggests that the construction of the theatre, to accommodate the stalls floor and the two basements beneath, to a depth of 8.8m below pavement level, will have removed the Site's archaeological potential.

### **Ecology and Biodiversity**

- 7.78 Within regards to conserving and enhancing the natural environment at a national level, the NPPF promotes biodiversity in recognition of its role in supporting the natural and local environment. Paragraph 192 of the NPPF requires planning policies to protect and enhance biodiversity and geodiversity.
- 7.79 This approach is further replicated into Regional and Local guidance to ensure the planning system delivers the above objectives. London Plan Policy G6 (Biodiversity and access to nature) states that development proposals should mitigate impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.
- 7.80 At a local level, Policy A2 (Biodiversity) of the Local Plan (2017) requires developments to protect and enhance sites of nature conservation and biodiversity. LB Camden will seek to assess developments against their ability to realise benefits for biodiversity through the layout, design and materials used in the built structure and landscaping elements of a proposed development, proportionate to the scale of development proposed.
- 7.81 The Ecology Report prepared by Diversity provides an overview of the desktop study for the local area, a Phase 1 habitat survey of the site and its neighbouring habitats, and Phase 2 surveys for bats. The Report concludes that the proposed development carries a relatively low risk of direct harm to wildlife but has a potential for disturbance effects on fauna arising from increased night-time lighting and environmental stress to garden plants caused by increased daytime shade. The report includes recommendations for further scheme mitigation which will be explored further.
- 7.82 The proposed development has been designed to maximise the potential biodiversity benefits through layout, design and materials. The Biodiversity Net Gain Report, prepared by RPS, notes that a considerable net gain will be delivered on site (+716.18% for habitats).

### **Urban Greening**

- 7.83 Policy G5 (Urban greening) of the London Plan sets out that major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage. A target Urban Greening Factor (UGF) of 0.3 is recommended for developments that are predominately commercial.



7.84 An assessment of the Scheme's Urban Greening Factor has been undertaken as part of this Application, prepared by RPS. This assessment reveals that the Application will deliver an UGF of 0.315, in line with policy objectives.

### **Energy and Sustainability**

7.85 Section 14 of the NPPF relates to 'Meeting the challenges of climate change, flooding and coastal change' and states that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience, encourage the reuse of existing resources including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

7.86 Paragraph 164 of the NPPF states that new development should be planned for in ways that can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Paragraph 166 requires new development to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

7.87 Policy SI2 (Minimising greenhouse gas emissions) of the London Plan outlines that major developments should be net zero-carbon, which means reducing carbon dioxide emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy: 'Be lean, Be clean, Be green and Be seen'.

7.88 Policy SI4 (Managing heat risk) of the London Plan outlines that major development proposals should demonstrate, through an energy strategy, how they will reduce the potential for internal overheating and reliance on air conditioning systems in accordance with the cooling hierarchy. Policy SI5 (Water infrastructure) of the London Plan requires development proposals to achieve at least the BREEAM excellent standard for the 'Wat 01 water category' or equivalent for commercial developments.

7.89 Policy SI7 (Reducing waste and supporting the circular economy) of the London Plan sets out that resource conservation, waste reduction, increases in material re-use and recycling, and reductions in waste going for disposal will be achieved by promoting a more circular economy that improves resource efficiency and innovation to keep products and materials at their highest use for as long as possible. Developments should encourage waste minimisation and waste prevention through the reuse of materials and using fewer resources in the production and distribution of products.

7.90 Policy CC1 (Climate Change Mitigation) of the Local Plan requires all development proposals to minimise the effects of climate change and encourage all development to meet the highest feasible environmental standards that are financially viable during construction and occupation. They will promote zero carbon development and require all development to reduce carbon dioxide emissions through following the steps in the energy hierarchy; require all major development to demonstrate how London Plan targets for carbon dioxide emissions have been met; ensure that the location of development and mix of land uses minimise the need to travel by car and help to support decentralised energy networks.

7.91 Policy CC2 (Adapting to climate change) of the Local Plan (2017) also states that LB Camden All development should adopt appropriate climate change adaptation measures such as:

- a. the protection of existing green spaces and promoting new appropriate green infrastructure;
- b. not increasing, and wherever possible reducing, surface water runoff through increasing permeable surfaces and use of Sustainable Drainage Systems;
- c. incorporating bio-diverse roofs, combination green and blue roofs and green walls where appropriate; and
- d. measures to reduce the impact of urban and dwelling overheating, including application of the cooling hierarchy.

- 7.92 Policy CC2 (Adapting to climate change) of the Local Plan (2017) states that LB Camden will promote and measure sustainable design and construction by ensuring development schemes demonstrate how adaptation measures and sustainable development principles have been incorporated into the design and proposed implementation. The expectation of non-domestic developments of 500 sqm of floorspace or above to achieve “excellent” in BREEAM assessments and encouraging zero carbon in new developments from 2019.
- 7.93 This Application includes an Energy and Sustainability Report, Whole Life Carbon, and Circular Economy Report, prepared by Hoare Lea.
- 7.94 The Hoare Lea Energy Statement demonstrates a betterment over Part L of the Building Regulations, will be achieved for the Scheme, The Be Lean scenario shows a reduction of -3% over the Baseline building, designed to Part L standards. This fails to meet the London Plan 2022 Guidance 15% reduction policy using energy efficiency alone.
- 7.95 The Be Green scenario proposed achieves a 13% reduction in annual regulated carbon emissions when compared to the Part L 2021 baseline. Although this fails to meet the London Plan 2021 Guidance demanding a 35% reduction over Part L 2021 using low or zero carbon technologies and renewables, it still shows a significant reduction in carbon emissions over the GLA baseline.
- 7.96 Due to the different elements of the Scheme, the Energy Assessment considers the Scheme in three parts. The new excavated theatre space has been assessed as a new build under Part L2, and the upper level hotel assessment has been split into two separate areas assessed against the existing building baseline as per GLA Energy Assessment Guidance, and the extension assessed as a new build under Part L2. Further detail on this approach is set out within the submitted Energy Assessment.
- 7.97 The Scheme is targeting a BREEAM ‘Excellent’ rating, in line with GLA planning requirements.

### **Circular Economy**

- 7.98 Policy SI 7 (Reducing waste and supporting the circular economy) of the London Plan states that schemes which are referable should promote circular economy outcomes and aim to be net zero-waste. A Circular Economy Statement should be submitted which demonstrates how:
1. *How all materials arising from demolition and remediation works will be re-used and/or recycled;*
  2. *How the proposals design and construction will reduce material demands and enable building materials, components and products to be disassembled and re-used at the end of their usual life;*
  3. *Opportunities for managing as much waste as possible on site;*
  4. *Adequate and easily accessible storage space and collection systems to support recycling and re-use;*
  5. *How much waste the proposal is expected to generate, and how and where the waste will be managed in accordance with the waste hierarchy; and*
  6. *How performance will be monitored and reported.*
- 7.99 This Application includes a Circular Economy Statement, prepared by Hoare Lea. The Statement sets out how the Scheme will follow best practice principles in their design and construction with the overarching aims of reducing material usage, minimising waste, and embedding longevity, flexibility and adaptability.
- 7.100 The Circular Economy Statement demonstrates how the Scheme accords with the requirements set out above and therefore complies with policy above.

### **Air Quality**

- 7.101 Paragraph 199 of the NPPF supports opportunities to improve air quality or mitigate impacts where necessary. London Plan Policy SI 1 (Improving air quality) states that development proposals should not lead to further deterioration of existing poor air quality, create any new areas that exceed air quality limits or delay the date at which compliance will be achieved or create unacceptable high levels of exposure to poor air quality. To achieve this, the Mayor will require development proposals to be at least Air Quality Neutral and be designed to prevent and minimise increasing exposure. Major development proposals will be required to be submitted with an Air Quality Assessment, to show how the proposal accords with the requirements set out above.
- 7.102 At a local level, Policy CC4 (Air Quality) of the Local Plan (2017) states that the impact of development on air quality is mitigated and ensure that exposure to poor air quality is reduced. LB Camden will take into account the impact of air quality when assessing development proposals, through the consideration of both the exposure of occupants to air pollution and the effect of the development on air quality.
- 7.103 An air quality assessment has been prepared by Hoare Lea to support this Application. The baseline assessment has shown that the Application Site is located within the Camden Air Quality Management Area (AQMA), but not within an Air Quality Focus Area (AQFA). There were no exceedances of the 1-hour mean Air Quality Objective (AQO) for Nitrogen Dioxide (NO<sub>2</sub>), or the annual mean AQOs and World Health Organisation (WHO) guidelines for NO<sub>2</sub> or particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) were recorded at automatic monitoring locations in 2022, the most recent year of available representative data. However, two exceedances of the annual mean NO<sub>2</sub> AQO and WHO guideline were recorded at passive diffusion tube monitoring locations in the vicinity of the Application Site in 2022.
- 7.104 The impacts of demolition and construction work on dust soiling and ambient fine particulate matter concentrations have been assessed and appropriate mitigation measures have been identified. Provided these mitigation measures are implemented and included within a dust management plan, for example through a planning condition, the residual impacts are considered to be not significant.
- 7.105 The Proposed Development is considered air quality neutral with regard to building and transport emissions, in line with the London Plan Air Quality Neutral Guidance, and as such no mitigation for either building or transport emissions are required.
- 7.106 A qualitative site suitability assessment shows that pollutant concentrations are in compliance with the relevant Air Quality Objectives (AQOs) and therefore, the Application Site is considered suitable for theatre and hotel use without mitigation.
- 7.107 Based on the assessment results, the Application Site is considered suitable for the Proposed Development without the inclusion of mitigation. Air quality should therefore not be considered as a constraint to the planning consent and the Proposed Development conforms to the principles of the National Planning Policy Framework Plan, the London Plan 2021 policies, the Camden Local Plan.

## **Health**

- 7.108 A Health Impact Assessment has been prepared by Buro Happold which concludes that the Scheme is aligned with the policies set out in the London Plan and Local Plan. In terms of health and wellbeing, the proposed development addresses the following key policies:
- Encouraging active travel;
  - Enhancing the public realm;
  - Incorporating inclusive design;
  - Mixed use in commercial areas.

## **Microclimate**

- 7.109 London Plan Policy D8 (Public Realm) requires buildings and public realm to be designed in away where considerations have been given to the local microclimate, which could be created by buildings and the impact this may have on service entrances and faces on the public realm. Furthermore, Policy D9 (Tall Buildings) of the London Plan states that development proposals should ensure that environmental impacts such as wind do not compromise comfort and the enjoyment of open spaces around the Building.
- 7.110 A Wind Assessment has been prepared by WindTech respectively and accompanies this Application, to ensure the microclimate remains acceptable.

## **Sunlight, Daylight and Overshadowing**

- 7.111 The NPPF states (Paragraph 135) that development should create places with a high standard of amenity for existing and future users. Paragraph 198 of the NPPF requires new development to avoid noise giving rise to significant adverse impacts on health and quality of life because of new development.
- 7.112 London Plan Policy D6 (Housing quality and standards) states that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside space.
- 7.113 At a local level, Policy A1 (Managing the impact of development) states that LB Camden will:
- a. seek to ensure that the amenity of communities, occupiers and neighbours is protected;
  - b. seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities;
  - c. resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network; and
  - d. require mitigation measures where necessary.
- 7.114 The impact on daylight, sunlight and overshadowing has been assessed by Point 2 Surveyors. This report concludes that where transgressions from the baseline BRE Guidelines are seen, the majority of these properties experience minor effects. Where isolated larger alterations are seen, there are largely mitigating reasons such as overhanging balconies/eaves or a window being located in highly constrained location causing disproportionate percentage alterations.
- 7.115 Where appropriate, alternative assessments which negates the limiting effect of the balconies has been undertaken in accordance with the recommendation within the BRE Guidelines. Under these assessment conditions, there is a material reduction in effects, both in terms of increased compliance and the relative change between the existing and proposed condition. This alternative assessment demonstrates that it is often the presence of the overhanging projections above windows which is the main cause of the relative alteration in light rather than the proposed development.
- 7.116 For overshadowing, all three amenity spaces show compliance with the BRE guidelines on 21st March, with at least half of their areas continuing to receive at least two hours of sunlight.
- 7.117 Overall, for a site in a Zone 1 location in central London, the proposed development performs well from a daylight, sunlight and overshadowing perspective. While the proposals will result in some alterations as noted within this report, they are indicative of development in central London and commensurate with many schemes within the LB Camden.

## Noise

- 7.118 Policy D14 (Noise) of the London Plan states that in order to reduce, manage and mitigate noise, to improve health and quality of life, residential and other non-aviation development proposals should manage noise by avoiding significant adverse noise impacts on health and quality of life, reflect the Agent of Change principles, mitigate and minimise the existing and potential adverse impacts of noise as a result of new development and improve and enhance the acoustic environment and promote appropriate soundscapes.
- 7.119 At a local level, Policy A4 (Noise and Vibration) seeks to ensure the noise and vibration is controlled and managed. LB Camden will only grant permission for noise generating development, including any plant and machinery, if it can be operated without causing harm to amenity. We will also seek to minimise the impact on local amenity from deliveries and from the demolition and construction phases of development.
- 7.120 An Environmental Sound Survey and Noise Impact Assessment have been undertaken by Hoare Lea.
- 7.121 The site is subject to relatively high sound levels along Shaftesbury Avenue, which are attributed to road traffic vehicles and people noise. Noise sensitive receptors to the rear of the site along New Compton Street and at Phoenix Gardens experience relatively lower sound levels, although it is noted that distant sound from Shaftesbury Avenue and Charing Cross Road is audible. Full details of the environmental sound survey are reported herein.
- 7.122 Consideration has been given to noise and vibration during demolition and construction. It is reasonable to expect that, if no consideration were given to noise from construction activity, there would be a risk of higher than ideal noise levels which may lead to complaint from nearby neighbours. It is, however, a requirement of both LB Camden and the Control of Pollution Act 1974 that Contractors employ 'Best Practicable Means' to reduce noise to a minimum.
- 7.123 Noise and vibration effects during the construction and demolition phase will be managed through the implementation of best practicable means, set out within a Construction Management Plan (CMP). An outline CMP has been submitted alongside the planning application which includes preliminary noise and vibration control measures. These include a commitment to real-time monitoring of noise and vibration throughout construction.
- 7.124 Production sound from the theatre will need to be contained within the venue to minimise impact upon neighbouring buildings. The theatre will be fully located below ground level, thereby designing out direct sound-transfer paths to outside. The theatre will be built within an acoustic box to protect the venue against noise from underground trains, as well as to limit sound transfer to other parts of the development. The main potential path for sound breakout is therefore in-direct sound escaping through the ventilation system. This will be controlled via the use of sound attenuators installed within the ventilation ductwork, The attenuators will be specified to reduce theatre sound to an appropriately low sound level in line with LB Camden's policy on entertainment noise.
- 7.125 Consideration has been given to noise from patrons queuing for the theatre. The current strategy is for patrons to queue along the Shaftesbury Avenue façade of the theatre, and not to use the quieter side streets (Stacey Street and St Giles Passage) for queuing. This therefore keeps queuing areas away from the nearby residential buildings and therefore aligns with the guidance within the Amenity CPG. Shaftesbury Avenue currently experiences high levels of environmental sound from road vehicles and pedestrians. Sound from the queue will be masked by this existing ambient noise, which will enable the new sound to blend into the existing soundscape.
- 7.126 The site benefits from excellent transport links. However, it is recognised that there may be occasional guests arriving by taxi. The hotel entrance is located away from residential receptors and is in an area already exposed to traffic noise.

Considering the low anticipated number of vehicles and recognising that an increasing number of taxis in London transitioning to electric vehicles, the impact of noise from this source is considered negligible.

- 7.127 Noise from deliveries, servicing and waste collection will also need to be managed to minimise the impact of neighbouring receptors. The Framework Delivery, Waste and Servicing Plan submitted alongside the planning application confirms that these activities will take place during times aligning with LB Camden's standard requirements. The Proposed Development is not expected to significantly change the acoustic character of the area.
- 7.128 Finally, an assessment of noise from building services plant associated with the proposed development has been undertaken. The building will be served by several air source heat pumps (ASHPs), air handling units and ventilation fans split between the basement and roof levels. Plant noise emission limits have been defined with reference to LB Camden's planning policy. Separate limits are proposed for neighbouring residential and commercial receptors, as well as at nearby public amenity spaces. Preliminary assessments identified the need for physical noise control measures to be integrated within the design. These are relatively standard controls, including acoustic attenuation packages to the ASHPs, sound attenuators to the air inlets and outlets of all ventilation plant, and a solid acoustic screen enclosing the rooftop plant area. Subsequent assessments, based upon typical equipment selections provided by the project mechanical engineer, have confirmed that noise from the proposed plant can be controlled to the defined noise emission limits.
- 7.129 The Noise Impact Assessment concludes that the noise and vibration associated with the development can be controlled to appropriate levels through a combination of physical noise control and management policies secured by planning condition.

### **Contamination**

- 7.130 Paragraph 196 of the NPPF states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risk arising from land instability and contamination.
- 7.131 At a local level, Policy A1 (Managing the impact of development) states that LB Camden will:
- e. seek to ensure that the amenity of communities, occupiers and neighbours is protected;
  - f. seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities;
  - g. resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network; and
  - h. require mitigation measures where necessary.
- 7.132 The preliminary risk assessment undertaken by Pell Frischmann concludes that significant sources of onsite and offsite contamination have not been identified. The proposed development will continue to occupy the plan area of the site and will likely remove most if not all of the residual Made Ground towards the site parameters as the basement levels are extended (out and down). Due to the limited nature/lack of contamination sources and the lack of viable exposure pathways land contamination risks during the use and operation of the proposed development have not been identified.
- 7.133 Residual risks to the health and safety of construction workers (during excavation of Made Ground) are likely to be limited and manageable through good practice and awareness.

### **Flood Risk**

- 7.134 Paragraph 170 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at the highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 7.135 Paragraph 181 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. This site is within Flood Zone 1.
- 7.136 Policy SI5 (Water Infrastructure) of the London Plan states that development proposals should minimise the use of mains water, in line with the operational Requirement of Building Regulations, achieving mains water consumption of 105 litres or less per head per day.
- 7.137 Policy SI12 (Flood Risk Management) of the London Plan requires that current and expected flood risk from all sources across London should be managed in a sustainable and cost-effective way, in collaboration with the Environment Agency, the Lead Local Flood Authorities, developers and infrastructure providers. This Policy outlines that all development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. Further, proposals should contribute to the delivery of the measures set out in Thames Estuary 2100 Plan.
- 7.138 Policy CC3 (Water and Flooding) from the Local Plan (2017) seeks to ensure that development does not increase flood risk and reduces the risk of flooding where possible. They require development to:
- a. incorporate water efficiency measures;
  - b. avoid harm to the water environment and improve water quality;
  - c. consider the impact of development in areas at risk of flooding (including drainage);
  - d. incorporate flood resilient measures in areas prone to flooding;
  - e. utilise Sustainable Drainage Systems (SuDS) in line with the drainage hierarchy to achieve a greenfield run-off rate where feasible; and
  - f. not locate vulnerable development in flood-prone areas.
- 7.139 Furthermore, Paragraph 175 of the NPPF requires major developments to incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. Policy SI13 (Sustainable drainage) of the London Plan outlines that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. There should also be a preference for 'green over grey' features, in line with the following drainage hierarchy:
- *rainwater use as a resource (for example rainwater harvesting, blue roofs for irrigation);*
  - *rainwater infiltration to ground at or close to source;*
  - *rainwater attenuation in green infrastructure features for gradual release (for example green roofs, rain gardens);*
  - *rainwater discharge direct to a watercourse (unless not appropriate);*
  - *controlled rainwater discharge to a surface water sewer or drain; and*
  - *controlled rainwater discharge to a combined sewer.*
- 7.140 A Flood Risk Assessment has been prepared by Elliot Wood to support this Application. The Proposed Development is considered to be at low risk of flooding and will not increase the flood risk to neighbouring land..
- 7.141 In accordance with the requirements of the NPPF, this FRA has demonstrated that development could proceed without being subject to significant flood risk and complies within relevant local plan policies.

- 7.142 Furthermore, the development will not result in increased flood risk to third parties if there is suitable management of surface water runoff.
- 7.143 Elliot Wood has also prepared a Sustainable Drainage Strategy to support this Application. The report demonstrates that an appropriate surface water drainage strategy has been explored for the site based on sustainable drainage principles in line with the relevant local and national policy and standards. The sustainable drainage proposals comprise blue roofs located across roof and terrace areas where sufficient plan area allows, draining via gravity at a restricted rate to the public sewer. The total peak discharge from the blue roof systems considering the 100yr + 40% climate change event is proposed to be 5.7 l/s. Although this rate does not reach the Greenfield rate, it is considered to have a significant betterment to the existing (86% considering the peak design storm, increasing for lesser storms).
- 7.144 Separate foul and surface water networks will be provided up to the site outfall where it will be combined prior to connection with the public sewer. To protect the basement from flooding from sewer surcharge, all below-ground levels are to be pumped, connecting to site high-level suspended gravity drainage serving ground floors and above prior to discharging off-site.

### **Fire**

- 7.145 Policy D12 (Fire Safety) of the London Plan requires developments to achieve the highest standards of fire safety. All major development proposals are required to include a Fire Statement, which is an independent fire strategy produced by a third party suitably qualified assessor. The Statement should detail how the development proposal would function in terms of the building's construction methods, products and materials, means of escape for all building users, features which reduce the risk to life, access for fire service personnel, provision within the curtilage of the Site to enable fire appliance to gain access to the Building and ensure that any potential future modifications to the Building will take into account fire risk.
- 7.146 In line with the requirements set out above, the Application includes a London Plan Fire Statement prepared by OFR.

### **Crime Impact Assessment**

- 7.147 Policy D11 (Safety, security and resilience to emergency) of the London Plan states that Boroughs should work with their local Metropolitan Police Service 'Design Out Crime' officers and planning teams, whilst also working with other agencies. Developments should include measures to design out crime that – in proportion to the risk – deter terrorism, assist in the detection of terrorist activity and help mitigate its effects. These measures are considered at the start of the design process to ensure they are inclusive and aesthetically integrated into the development and the wider area.
- 7.148 A Crime Impact Assessment has been prepared by QCIC Security Assured to support this application. This report concludes that there are no significant risk issues or threats associated with the development which cannot be mitigated to a residual level of acceptable risk and crime reduction will result in the use of those recommendations to follow.

### **Social, Environmental and Community Benefits**

- 7.149 The NPPF Para 8 states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):



- a. an economic objective – to help build 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; and by identifying and coordinating the provision of infrastructure;
- b. a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c. an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

7.150 The Proposed Development is introducing a substantial amount of public benefit in terms of social, environmental and community benefits, which are summarised in Section 8 of this Planning Statement. Further detail is also set out in the supporting Economic Impact Assessment, and Social Value Report prepared by Montagu Evans.

## 8.0 PLANNING BALANCE

- 8.1 In presenting an assessment of the overall planning policy case and addressing the planning balance, it is necessary to consider the planning and community benefits of the Scheme.
- 8.2 The Scheme will deliver a landmark scheme for LB Camden. The Scheme constitutes an appropriate re-use of the existing building, as well as delivering environmental, social and economic benefits to local residents and businesses.
- 8.3 It is recognised, as concluded within the Heritage Assessment, the heritage benefits are weighty and count strongly in favour of the scheme, but they would not be sufficient to outweigh the harm entirely. The Heritage Assessment concludes there would be a low level of less than substantial harm to the Grade II listed building to be considered in the planning balance. It is important to note that through the Viability exercise, that Proposed Development minimises the harm as much as possible, in the context of the Proposals, whilst remaining financially viable.
- 8.4 Having regard to the assessment undertaken within this Planning Statement, we consider that the public benefits arising from this Scheme are of sufficient weight to outweigh the low level of residual less than substantial harm identified. These can be summarised as follows:

### Environmental Benefits

- Optimises a previously developed site within the Central Activities Zone ('CAZ') with a mixed use scheme;
- Delivers a package of landscaping and urban greening measures;
- Delivers a high quality building, which seeks to achieve a BREEAM rating of at least 'Excellent';
- Delivers cycle parking, promoting sustainable travel to the Site;
- Improvements to the local environment, by improving the quality of the public realm around the Site;
- The position of the entrances and the new architecture would invite people on a journey from Seven Dials to Shaftesbury Avenue which would be a significant townscape benefit.
- Delivers a betterment over Part L of the Building Regulations; and
- The Scheme will follow best practice principles in their design and construction with the overarching aims of reducing material usage, minimising waste, and embedding longevity, flexibility and adaptability.

### Social Benefits

- Provides active uses at ground floor level that will be open to members of the public;
- Offers education partnerships with Cirque de Soleil and local schools and performing arts organisations;
- Opportunities for discounted and free theatre ticket for local residents;
- Use of local supply chain where possible, partnering with local businesses and restaurants;
- Offers free resident access to hotel communal areas to use for work and meetings;
- Offers partnerships with local artists to feature in the hotels; and
- The proposed uses are complementary to the function of the area and would introduce activity and natural surveillance to the area to the north of the site which is currently uninviting and experiences anti-social behaviour.

### Economic Benefits

- Delivers a mix of uses which align with both the LB Camden and GLA policy objectives for the Central Activity Zone, as well the adopted and emerging policy aspirations for the Site;
- Provides the first permanent UK home for Cirque Du Soleil, a world renowned theatre operator, whose investment in the building would help to support the growth of creative and cultural industries in this part of the CAZ;

- The Scheme is expected to create a total of 538 person years of employment. This equates to c. 538 FTE jobs sustained for the build period.
- A total of 129 Full Time Equivalent (FTE) jobs are expected to be created on completion;
- The Scheme, once in operation, is expected to generate c. £12.9m per annum in Gross Value Added, which represents a significant uplift on the direct economic contribution of the site in its current use;
- Increases business rates to LB Camden;
- The wider spin-off benefits for complementary businesses in the local area are also expected to be significant - visitors to the proposed theatre could be responsible for spending up to £23m per annum with other businesses in the local area during their visit; and
- Improvements to local infrastructure through planning gain payments.

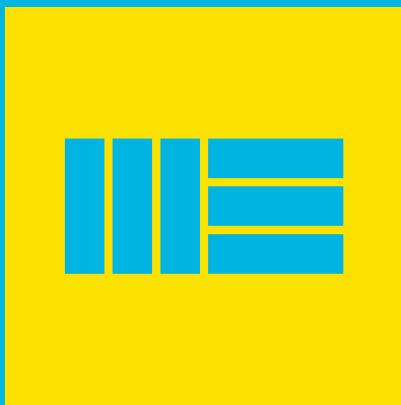
8.5 It is on this basis therefore that we conclude that the planning balance falls firmly in favour the Scheme receiving both Planning Permission and Listed Building Consent.

## 9.0 S106 HEADS OF TERMS

- 9.1 Under S106 of the Town and Country Planning Act 1990, as amended, local planning authorities have the power to enter into planning obligations with any person interested in their land, for the purpose of restricting or regulating the development or use of the land.
- 9.2 Paragraph 55 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 9.3 Paragraph 57 states that planning obligations should only be used where they are necessary, directly relational to the development and fair and reasonable in scale and kind to the development.
- 9.4 Paragraph 58 states that where up to date policies have set out the contributions, planning applications that comply with them should be assumed to be viable and it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.
- 9.5 it is anticipated that the following obligations would be secured as part of the S106 Agreement:
- Construction apprenticeships
  - Construction work experience placements;
  - Commitment to Camden Local Procurement;
  - Local recruitment for construction related jobs;
  - Financial contribution to assist local residents receive relevant training and skills;
  - Financial contribution to employment post-completion;
  - End-user phase apprenticeships paying a minimum of London Living Wage;
  - Car-free development;
  - Carbon Offset Payment;
  - A number of free days per year free entry to partner organisations / local residents;
  - Subsidised rate ticket price entry to Camden residents for daytime performances; and,
  - Work experience programme offering work shadowing to local residents / partner organisations.

**MONTAGU EVANS**

**70 ST MARY AXE  
LONDON  
EC3A 8BE**



**[WWW.MONTAGU-EVANS.CO.UK](http://WWW.MONTAGU-EVANS.CO.UK)**

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