



DECEMBER
2017

Planning Statement

135-149 Shaftesbury Avenue, London WC2H 8AH

Iceni Projects Limited on behalf of
Capital Start Limited

December 2017

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ON BEHALF OF CAPITAL
START LIMITED

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1. INTRODUCTION

- 1.1 This Planning Statement is submitted to the London Borough of Camden on behalf of Capital Start Limited ('the Applicant') in support of an application for full planning permission and listed building consent for the proposed development at 135-149 Shaftesbury Avenue, London WC2H 8AH.
- 1.2 This application seeks full planning permission and listed building consent for:

“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.”

- 1.3 This Planning Statement has been prepared by Icen Projects Ltd and provides the planning case in support of the proposed development. It assesses the development in the context of relevant adopted and emerging planning policy and guidance at national, regional and local levels.

Background and project objectives

- 1.4 The existing building on site is a five storey Grade II listed building that was the former Saville Theatre, originally built in 1930-1931. It's most notable feature is the frieze that runs along the front elevation of the building depicting drama through the ages, designed by Gilbert Bays. Since its construction, the building has had a unique history, hosting a number of well-known acts and performances, including Chuck Berry, Nirvana and the Rolling Stones, who all played at the theatre. Brian Epstein, the manager of The Beatles, also leased the theatre, presenting both plays and rock and roll shows during his tenure. Throughout this time, the building has undergone a significant amount of internal conversion work that has left little of the original theatre fabric intact.
- 1.5 The building has now been used as a cinema for a significant period of time since 1970. During this time the condition of the building has deteriorated to a level where it is now in a state of disrepair. Both the Council and the Applicant have a duty to work together to ensure that this does not occur and the need to find the optimum solution to secure the future of the listed building with a commercial viable use is now critical.

- 1.6 Based on a Building Condition report and the cost estimates to carry out refurbishment works, the costs of retaining, upgrading and refurbishing the building to provide a cinema of an adequate commercial standard are significant and do not represent a viable development proposition.
- 1.7 As such, the overarching objective of the development proposals has been to deliver the optimum solution secure the long-term future of the existing Grade II listed building through a development scheme that would introduce new commercially-viable uses and additional floorspace to the building.
- 1.8 The result of this cooperative work with the Council has been the preparation of this planning application which seeks full planning permission and listed building consent for a new four-screen cinema, 94-bedroom hotel, ground level restaurant and bar uses, a roof level bar and a new spa. This would be facilitated through the refurbishment and extension of the existing building at basement and roof level.

The submission

- 1.9 This Planning Statement should be read in conjunction with the other documents submitted in support of this application. These documents comprise:
- Planning Application Form and Certificate of Ownership, prepared by Icen Projects;
 - Area and Land Use Schedule, prepared by Icen Projects;
 - CIL Determination Form, prepared by Icen Projects;
 - Site Location Plan, Existing and Proposed Plans, Sections and Elevations, prepared by Jestico + Whiles;
 - Design and Access Statement, prepared by Jestico + Whiles;
 - Statement of Community Engagement, prepared by Icen Projects;
 - Heritage, Townscape and Visual Impact Assessment, prepared by Icen Projects;
 - Transport Assessment, prepared by Icen Projects;
 - Framework Travel Plan, prepared by Icen Projects;
 - Draft Delivery and Service Management Plan, prepared by Icen Projects;
 - Draft Construction Traffic Management Plan, prepared by Icen Projects;
 - Proposed Highways Upgrade Plans, prepared by Icen Projects;

- Daylight and Sunlight Assessment, prepared by Point 2 Surveyors;
- Environmental Noise Survey, prepared by Sandy Brown Associates;
- Flood Risk and Drainage Strategy (SuDS), prepared by Price & Myers;
- Basement Impact Assessment, inclusive of a Structural Method Statement, Construction Method Statement and Ground Investigation Report, prepared by Price & Myers and GEA;
- Energy Statement, prepared by DSA Engineers;
- Sustainability Statement, prepared by DSA Engineers;
- Air Quality Assessment, prepared by Ramboll;
- Preliminary Ecological Appraisal, prepared by Syntegra;
- Archaeological Desk Based Assessment, prepared by CgMS;
- Building Condition Report, prepared by Hallas & Co;
- Need for Renewal Statement, prepared by Icenii Projects;
- Draft Section 106 Legal Agreement; and
- Viability Report, prepared by Icenii Projects.

2. THE SITE AND SURROUNDING AREA

- 2.1 The application site is located at 135-149 Shaftesbury Avenue, London WC2H 8AH. It is located within the Holborn and Covent Garden ward within the administrative boundary of the London Borough of Camden. The extent of the application site is shown on the accompanying Site Location Plan prepared by Jestico + Whiles.
- 2.2 The site 0.12 hectares in size is located on the northern side of Shaftesbury Avenue. It is an island site bound to the north by New Compton Street and Phoenix Gardens, to the east by St Giles Passage, to the south by Shaftesbury and the west by Stacey Street. Surrounding development is defined by a variety of land uses and buildings of varying ages. Development along Shaftesbury Avenue is primarily commercial, including a variety of retail, hospitality, leisure and office uses. This continues further south towards Seven Dials. Residential uses are located to the north and east of the site, including the Alcazar on Stacey Street and Pendrell House on New Compton Street.
- 2.3 The site occupies a key position within the Central Activities Zone (CAZ) at the heart of the commercial West End between Soho and Covent Garden and within Camden councils defined Central London Area. The existing building does not currently do its location justice and appears as a hard gap within the townscape and local public realm, presenting dark elevations to the street scene and being a detractor to safe pedestrian vitality and movement between key commercial districts.
- 2.4 A Grade II listed building occupies the site which is currently used as a four-screen cinema (Class C2). Access to the site for customers is principally through the main entrance off Shaftesbury Avenue, with staff access and the majority servicing and deliveries made to the rear of the building via rear access to the building off New Compton Street. There are no car parking spaces on site.
- 2.5 The site is located in an area of excellent public transport accessibility, with access to a diverse mix of different services within close proximity. The site benefits from the highest possible public transport accessibility level (PTAL) rating of 6B, with numerous bus routes operating along Shaftesbury Avenue and London Underground services operating from Leicester Square, Covent Garden, Holborn and Tottenham Court Road stations, all within short walking distance.
- 2.6 The site contains the Grade II listed former Saville Theatre building. It is not located within a conservation area, however the Denmark Street and Seven Dials (Covent Garden) conservation areas are located immediately to the north and the south of the site, respectively. A more detailed description of the site, its history and the surrounding townscape can be found in accompanying Heritage, Townscape and Visual Impact Assessment prepared by Iceni Projects.

Planning history

- 2.7 A review of the Council's planning history records for the site confirms that the lawful use of the site is cinema (Class D2).
- 2.8 In 1970, planning permission was granted to permit alterations to the elevations of the building associated with its use as twin cinema (LPA ref. 9157). Internal alterations and refurbishment to the building, including the provision of new partitions, new acoustic fabric and alterations to internal surface was granted listed building consent in 1999 (LPA ref. LS990480).
- 2.9 The building was converted into its current four screen arrangements under listed building consent reference LSX00052 in February 2001. More recently, planning permission and listed building consent (LPA ref. 2007/3027/P and 2007/3029/L) was granted to permit the installation of 4 x air conditioning units on the roof level associated with the ongoing use of the building as a cinema.
- 2.10 In terms of relevant planning history on surrounding sites, in April 2017 resolution to grant was given by Camden Council's Planning Committee for the remodelling, refurbishment and extension of the existing office buildings at 125 Shaftesbury Avenue (LPA ref. 2016/5202/P). This scheme would also result in a new public route through the site, flexible retail uses (Class A1/A3) at ground floor level and other associated landscaping and public realm improvements.
- 2.11 Additionally, under planning permission reference 2014/7285/P, the ecology centre building in Phoenix Gardens was recently completed, providing a new community space (Class D1) for the users of Phoenix Garden as well as the general public.

3. THE PROPOSED DEVELOPMENT

- 3.1 The proposed development would result in the comprehensive refurbishment of the existing Grade II listed building and the provision of a new two storey roof extension and new basement level to provide a 94-bed hotel (Class C1), four-screen cinema (Class D2), spa (sui generis), ground floor restaurant/bar (Class A3/A4) and roof top bar, along with public realm and highways improvements.
- 3.2 The overarching objective of the development proposals has been to deliver the optimum solution secure the long-term future of the existing Grade II listed building that is in a state of disrepair. The proposals would provide a new commercially viable lease of life to the building and create a new cultural destination for Shaftesbury Avenue. At the heart of the scheme would be a new four-screen cinema and hotel, which would be accompanied by a separate spa at basement level, a bar/restaurant at ground floor and a roof top bar which would all be accessible to hotel guests and the general public.
- 3.3 The planning application seeks full planning permission and listed building consent for the following description of development:

“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.”

Figure 3.1 The proposed development



3.4 Specifically, the proposals comprise:

- The demolition of existing internal structures within the building and the retention of the existing façade and the excavation of one new basement level;
- The construction of a new ten storey building comprising three basement levels, five levels behind the retained façades of the building and a two level roof extension;
- The provision of a new 94-bedroom hotel (Class C1) at part ground and first to sixth floors;
- The provision of a new four-screen cinema (Class D2) at basement levels one and two;
- The provision of a restaurant/bar (Class A3/A4) and associated flexible pop up space and hotel reception at ground floor level;
- The provision of a spa (sui generis) at basement level three;
- The provision of a bar (Class A4) and associated terrace at roof top level;
- Highways and public realm improvements including relocated parking bays and loading zone on New Compton Street and a new on-footway layby on Shaftesbury Avenue permitting all servicing and deliveries to occur without impeding traffic and allowing a wider footpath for pedestrians;
- The provision of separate cycle parking areas for staff (12 spaces) at basement level two and for guests (12 spaces) at ground floor level.

3.5 The submitted proposals have followed extensive pre-application meetings and discussions that have taken place with Council officers. The proposals have evolved and changed on each occasion to respond to comments from officers. Engagement with surrounding residents and local amenity groups has also occurred during the preparation of the proposals, with the scheme responding to specific feedback raised during discussions.

3.6 Full details of how the proposed development has evolved this consultation and engagement is outlined in the next section this Statement and highlighted further within a Statement of Community Engagement.

Land use schedule

3.7 The existing and proposed land use and area schedule is provided at Table 3.1.

Table 3.1 Existing and proposed land use and area schedule

Land use	Existing floorspace (sqm GIA)	Proposed floorspace (sqm GIA)	Net change (sqm GIA)
Cinema (Class D2)	3,265	1,401	-1,864
Hotel (Class C1)	0	4,230	+4,230
Ground floor restaurant / bar (Class A3/A4)	0	505	+505
Roof level bar (Class A4)	0	259	+259
Spa (sui generis)	0	257	+257
TOTAL	3,265	6,652	+3,387

The hotel

- 3.8 The proposed development would deliver a new 94-bed hotel that would be provided at part ground floor and upper levels of the building. The hotel would be operated by the Applicant and would be a franchise of MGallery by Sofitel, a luxury collection of boutique hotels that are located throughout the world.
- 3.9 The MGallery brand is synonymous with unique buildings and landscapes that appeal to hotel guests that are lovers of life, literature and culture. The existing building on site has had a unique history in its short life, with its history of performance and drama to be celebrated through the MGallery brand. The proposed hotel would be the second MGallery Hotel in London, complementing Victory House in Leicester Square.
- 3.10 The hotel rooms are based on a standard room size of 24 sqm and would be provided on the upper levels of the building, with each room fitted out to an exceptional standard, in line with the luxury MGallery brand. Rooms provided within the envelope of the building able to enjoy views to the north over Phoenix Garden or through the large atrium space to the ground level area. Rooms above the

parapet of the existing building being retained would enjoy views to Phoenix Gardens or would have views south across Central London. Each room would

- 3.11 The ground level public foyer would be used by hotel guests to access the hotel rooms via the reception desk and the dedicated lifts. The public foyer area has been designed to provide a sense of arrival for hotel guests and would encourage them to use the ground level restaurant and bar, along with members of the general public.

The four screen cinema

- 3.12 A new four-screen cinema providing a total of 260 seats would be provided at basement level. The cinema would be operated by the Applicant and would be based on the second viewing cinema principles successfully operated by Light Cinemas.
- 3.13 Cinema Next, the company behind Light Cinemas, would set up the cinema operation for the site allowing the Applicant to create a unique brand for the cinema that aligns with the wider luxury quality of the development, with the cinema running on the Light Cinema principles.
- 3.14 As a second viewing cinema, the new films are purchased for screening following the initial run of screenings. The money saved from this process is then recycled into premium seating, premium food and beverages and premium services. This underpins the Light Cinema Concept which is built around:
- Socialising, relationships and community, with the brand tapping into the burgeoning cinemagoers market that treat viewing a film as part of a day or night out, usually combining a film viewing with a pre or post film meal. This concept has been championed by similar cinema companies such as Curzon and Everyman.
 - Providing a premium experience, with premium seating and high-quality service at a reasonable price.
 - Targeting a variety of customers, including millennials, 'date night' parents, budget-conscious families, families on a day out and older generations.
- 3.15 A draft heads of financial terms has been agreed between the Applicant and Cinema Next, and the cinema's delivery would be required prior to the occupation of the hotel, with this secured via section 106 planning obligation.
- 3.16 The proposed four screen cinema would be provided at basement level and would be accessed from ground floor level, with all cinemagoers descending down a grand staircase into the cinema lobby area where food and beverages can be purchased before entering the cinema. For mobility-impaired

customers, a dedicated lift is also provided from ground level, ensuring level access. The view from the ground level down the staircase to the cinema lobby is shown in Figure 3.2.

Figure 3.2 Interior view from ground level to the Cinema Lobby



The ground floor restaurant and bar

- 3.17 A restaurant and bar area would be provided at the ground floor level, creating an active and vibrant space within the building. Both the restaurant and the bar would be accessible to hotel guests and the wider public and would encourage cinemagoers to stay within the building as part of their day or night out.
- 3.18 The two spaces would be loosely divided, ensuring that each space can be flexibly used depending on the time of day, day of the week or for certain events. The principal restaurant area would have views to New Compton Street and Phoenix Gardens through a new glazed opening on the rear elevation of the building.

The spa

- 3.19 A spa would be provided at the lower basement level of the building and would be accessible to both hotel guests and the wider public. The spa has been designed to be similar to the existing spa facilities that the Applicant operates through their Thai Square business. It would provide a high level and diverse range of services.

The roof level bar

- 3.20 An enclosed bar is proposed on the upper level of the building for use of hotel guests and the general public. The bar has been designed to maximise south-facing views over central London by placing the bar area along the Shaftesbury Avenue frontage.
- 3.21 By siting the bar along the frontage of Shaftesbury Avenue and ensuring it is fully enclosed, this would ensure any potential impact for impact to the amenity of residents within properties to the north of the site is minimised.

Transport and access

Vehicular access, servicing and delivering

- 3.22 The existing site does not provide any vehicular access point, with all servicing and deliveries undertaken from the street. The proposed development would seek to improve this arrangement through a servicing and deliveries strategy developed in consultation with highways officers at the London Borough of Camden.
- 3.23 The proposed servicing and deliveries strategy would be from the front and the rear of the site, dependent on the type of vehicle servicing the site. To facilitate this, the following highways works would occur:
- The introduction of a footway layby on Shaftesbury Avenue that would permit deliveries and taxi drops offs to occur without impeding the flow of traffic. This layby would also allow the existing footpath to be widened for a portion of the frontage of the site, improving the pedestrian experience.
 - The relocation of parking bays and loading bay on New Compton Street. This arrangement would result in the relocation of the parking bays from the southern side of New Compton Street to the northern side and facilitate the provision of a loading bay on the southern side of New Compton Street adjacent to the loading bay at the rear of the building. This arrangement would improve the existing servicing arrangement at the rear and would ensure consistency with the remainder of New Compton Street, which provides all parking bays on the northern side of the street.
- 3.24 Further details on the servicing and delivery strategy of the proposals is provided in the Outline Servicing and Deliveries Plan prepared by Icen Projects submitted with this application.

Pedestrian access

- 3.25 The main pedestrian access point to the building would be via the existing entrance off Shaftesbury Avenue. This access point would allow visitors to the cinema, hotel, restaurant and bar from the ground floor level and would also ensure level access is available to all users of the building.

3.26 Separate staff access points are also provided on New Compton Street.

Car parking

3.27 The proposed development would be car free, encouraging all visitors to and from the site to utilise sustainable public transport means to access to the site.

Cycle parking

3.28 Two dedicated cycle parking areas are provided on site at ground floor and at lower ground floor level. These area would be secure and accessed from New Compton Street via the servicing entrances, with the lift down to basement level 2 large enough to accommodate cycles. Sheffield standards are also proposed along the frontage of the site to accommodate short stay cycle storage.

4. CONSULTATION AND ENGAGEMENT

4.1 The application proposals have evolved over many months as a result of consultation and engagement with London Borough of Camden officers, local stakeholders and community groups. The key outcomes from this consultation and engagement is listed below.

Pre-Application Consultation

4.2 As part of the proposed development's design development process, the applicant has engaged in extensive pre-application discussions with Planning, Design and Transport officers of the Council. A total of six pre-application discussions have occurred with the Council throughout 2016 and 2017 as part of a planning performance agreement (PPA) entered into between the Applicant and the Council.

4.3 Following each meeting, amendments and revisions were made to the design of the proposed development to address comments made by officers at the Council. Furthermore, regular contact with officers has occurred following these meetings to ensure specific issues and matters have been addressed. This has included regular email and telephone discussions to ensure specific issues were addressed as required.

4.4 The proposed development has been the product of a collaborative pre-application process between the Applicant and the Council. Following the pre-application discussions with the Council and specific Officer advice, the following key outcomes and amendments to the proposed development have occurred:

- Acceptance on the need for renewal, with officers accepting that the 'do nothing' approach would likely result in the Grade II listed building heading towards further disrepair and potentially becoming at risk.
- Reduction in the overall bulk, mass and scale of the proposed roof extension, in order for the extension to appear subordinate and sympathetic to the Grade II listed building. The overall reduction in height of the roof extension has reduced from nine storeys to two storeys, with further explanation of this design evolution provided in the Design and Access Statement prepared by Jestico + Whiles.
- Agreement on the viability case for the proposals, with the refurbishment costs for the necessary upgrade works to meet the requirements of a standard and specialist operator significant in excess of the resultant gross value of the building. As such, it was accepted that the only viable way to ensure the long-term use of the building, and to preserve its special historical interest, would be to add some additional mass and floorspace to the building.

- The approach to preserving the special historic interest of the listed building was accepted, particularly in relation to the proposals located within the existing envelope of the building.
- Agreement on the proposed land uses on site, including the need to retain cinema (Class D2) use on site and that the provision of new hotel accommodation was acceptable and in accordance with the Council's policies.
- Agreement on the proposed servicing strategy for the site, together with public highway improvements on Shaftesbury Avenue through the use of on-footway layby area that allows servicing to occur without impeding the flow of traffic while also widening the existing footpath along a portion of the frontage of the site.

Community Engagement

- 4.5 Engagement with the local community and key stakeholders has occurred through an extensive series of one-on-one meetings, briefings, presentations and public drop in sessions. This engagement provided helpful feedback and suggestions that have been considered by the design team in refining the development proposals.
- 4.6 Following this process, numerous amendments to the proposed development were made. Full details on the extent of engagement undertaken, as well as the key outcomes, is provided within the Statement of Community Engagement prepared by Icen Projects submitted with this application.

5. PLANNING POLICY CONSIDERATIONS

Planning policy framework

5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

The Development Plan

5.2 The statutory development plan for the proposed development consists of the London Plan (2016), and the Camden Local Plan (2017). The Mayor of London is currently consulting on the draft London Plan which will eventually supersede the currently London Plan, however, this emerging draft London Plan carries limited weight at present. This Application is not referable to the Mayor.

5.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and sets out the Government's economic, environmental and social planning policies. The NPPF outlines a presumption in favour of sustainable development as being at the heart of the planning system.

5.4 The National Planning Policy Guidance (NPPG) is a web-based resource that was published on 6 March 2014 and provides information and guidance on planning. The NPPF and NPPG form material considerations in the determination of the application.

5.5 There are a number of other adopted and emerging supplementary planning guidance and documents which also form a material consideration for the proposals. Principally, at a local level, the Council's Camden Planning Guidance documents are of relevance to the proposals.

Site specific policy designations

5.6 The site is subject to the following site-specific planning policy designations as identified by the Council's adopted Policies Map (2017):

- Located within the Central Activities Zone (CAZ);
- Located within Camden Council's Central London Area;
- Located within an Archaeological Priority Area.

5.7 The site is also located adjacent to the Phoenix Community Garden, a dedicated Open Space area, and is located adjacent to the Denmark Street Conservation Area to the north and the Seven Dials (Covent Garden) Conservation Area to the south.

- 5.8 An assessment of the key planning issues in relation to the proposed development against the relevant adopted planning policies is set out below.

The need for renewal

- 5.9 It is necessary to achieve comprehensive renewal of the existing Grade II listed building at 135-149 Shaftesbury Avenue. The existing building is in extremely poor condition and in need of substantial refurbishment to prevent the building, and a designated heritage asset, declining into a state of disrepair. It requires substantial reinvestment to secure its long-term future.
- 5.10 Given the costs associated with the necessary refurbishment works, the only financially viable means with which to deliver this is through the introduction of new commercially viable businesses. This would occur through the comprehensive internal refurbishment of the building, the provision of a new roof extension and through a new basement level. This proposed floorspace quantum of the proposals is the absolute minimum amount that can be delivered while still remaining viable.
- 5.11 A separate Need for Renewal Statement and a detailed Viability Assessment, which considers the operation of the cinema, hotel and food and beverage uses within the building, have been prepared in support of this application.
- 5.12 The conclusions from these documents detail that the case for the need for renewal can be summarised as follows:
- The existing building is suffering from a number of key structural and other building conditions that jeopardise the long-term future of the listed building if refurbishment works are not carried out immediately.
 - These wider building issues are coupled with the existing cinema facilities that do not meet the needs of the modern cinema operator. Significant reinvestment is therefore needed in order to bring the premises back up to an adequate standard.
 - To refurbish the building to a modern cinema operator's requirement has been valued at circa £26 million, where the resultant value of the building would only total circa £5 million. As such, the costs of retaining, upgrading and refurbishing the building in order to provide a cinema of an adequate commercial standard are significant and therefore do not represent a viable development proposition.
 - Doing nothing is not an option. This would result in the ongoing and inevitable decline of the listed building into further state of disrepair.

- The Council has a statutory duty to preserve or enhance listed buildings which is in the wider public interest. Opportunities that seek to secure the long-term future of a listed building should be welcomed.
- Therefore, the realistic and desirable option for the building is to find the optimal development solution that delivers a commercially viable development proposition. The only way to achieve this is through the comprehensive refurbishment of the building, the introduction of a variety of additional commercial uses and through the additional of additional mass and floorspace to the building via a sympathetically designed roof extension and new basement level.
- This development quantum is shown to be the minimum amount of floorspace that is needed in order to deliver a viable development proposition to save the dying listed building.
- This option best serves the public interest, is able to deliver the outcomes of key development plan policy and would deliver the best overall package of planning benefits.

5.13 A separate Need for Renewal Statement and Viability Report has been prepared in support of this application which addresses the above matters in greater detail.

Principle of development

Cinema (Class D2)

5.14 Policy C3 (Cultural and Leisure Facilities) of the Local Plan protects cultural and leisure facilities valued by the community and which are an important identity of the Borough or local area, which includes cinemas. In addition, the policy also supports the provision of new cultural and leisure facilities in appropriate locations.

5.15 The existing use on site is cinema (Class D2), providing four screens and circa 700 seats. The scale of this existing use is not performing well financially when compared to other cinemas in the locality and throughout London. The proposed development would result in the retention of a four-screen cinema on site, providing 260 seats and would deliver a second showing cinema that would be unique for the area. This cinema operation would align with the changing market for cinemas, which are now evolving to meet the expectations of the evolving market who now see cinemas as a component of a day or night out, rather than just a sole visit. The cinema would be intimate in its size, would deliver a high level and premium service to cinemagoers delivering a special experience. This would ensure that the new cinema would target a specific gap in the market, which is dominated by the following traditional cinema operations within close proximity of the site:

- Odeon Tottenham Court Road (650m walking distance north);
- Odeon Leicester Square (500m walking distance south);

- Cineworld Leicester Square (500m walking distance south);
- Vue Cinema Leicester Square (400m walking distance south)
- Vue Cinema Piccadilly Circus (800m walking distance south west);
- Picturehouse Central (550m walking distance south west); and
- Empire London Haymarket (800m walking distance south west).

5.16 The cinema would be operated by the Applicant who has entered in a financial heads of terms with Light Cinemas, who would assist the Applicant in delivering the cinema in accordance with their business and operating principles.

5.17 Overall, the proposed cinema would ensure that a leisure facility would remain on site and would be in accordance with Policy C3 which seeks to restrict the loss of any leisure facilities. The new cinema would also represent an improvement over the current cinema via its new and diverse business model and its re-provision is considered in accordance with Policy C3 of the Local Plan.

Hotel (Class C1)

5.18 Policy E3 (Tourism) reinforces the importance the Council places on the importance of the visitor economy throughout the borough, with the expectation for new, large-scale tourism development and accommodation to be located within the Central London area of the borough.

5.19 The proposed development would deliver a 94-bedroom hotel that would be provided at ground and upper levels of the building. The hotel would be operated by the Applicant and would be a franchise of the MGallery by Sofitel brand. Given the brand's commitment to luxury finishes, high quality and a five star guest experience, each hotel room has been generously sized at circa 24 sqm in size. All rooms would also have views either to the Phoenix Gardens to the north, through to the internal atrium or to the south over Seven Dials. They would also be able to utilise a range of the other facilities within the development including the restaurant, bar, spa and cinema, all contributing to the high quality experience.

5.20 As such, the proposed hotel use within the development would deliver new, high-quality tourist and visitor accommodation within London's Central Activities Zone in an area of excellent public transport accessibility and in proximity to a range of other cultural activities. In this regard, the provision of hotel floorspace would be in accordance with the aims and objectives of Policy E3 of the Local Plan.

Food and drink uses (Class A3 and A4)

5.21 Policy TC4 of the Local Plan identifies the important role that food, drink and entertainment uses can play in contributing to the vitality and vibrancy of the Central London area of the borough, as well as the night time economy. Policy TC4 and Camden Planning Guidance 5 note that new food and drink

uses should be located in appropriate locations, where they can contribute to the vitality of the area and without causing impact to surrounding uses.

- 5.22 The proposed ground level restaurant and bar space would form part of the cultural heart of the new development, contributing the vibrancy at ground level. It would complement the hotel and cinema operation within the development and would also seek to activate the site and the eastern end Shaftesbury Avenue. When considered as part of the wider mixed use development, these ground level uses would help to contribute to the wider vitality and vibrancy of the Central Activities Zone and the night time economy.
- 5.23 The proposed roof level bar would also form an integral part of the mixed use proposals, introducing a new and unique experience in this area of central London. In accordance with Policy TC4, the provision of this roof level bar has considered impact on surrounding residential uses. It would be a fully enclosed bar and would be sited along the Shaftesbury Avenue frontage of the site, ensuring that any potential noise-generating activities would be away from nearby residential properties. Furthermore, a Noise Survey has identified that a range of activities could occur at the roof level bar with the resultant noise levels in accordance with the noise limits prescribed by Appendix 3 of the Local Plan.
- 5.24 As such, the proposed new food and drink uses to be delivered by the development would help energise and revitalise the streetscape and contribute to the ongoing vitality and vibrancy of Central London. They would also ensure that there would be no impact on surrounding residential uses, in accordance with Policy TC4 and CPG 5.

Spa (sui generis)

- 5.25 The proposed spa located in the lower ground level of the development would be available for use by the guests of the hotel as well as members from the wider public. It would provide a range of services similar to the Applicant's existing Thai Square spa facility at 25 Northumberland Avenue and would complement the range of other services the wider mixed use development would deliver.
- 5.26 The proposed spa would therefore contribute to the wider development's contribution to the wider vibrancy and vitality of the area and is considered to an appropriate use within the wide mixed use development.

Mixed use development

- 5.27 Policy H2 (Maximising the Supply of Self-Contained Housing from Mixed-Use Schemes) expects sites in the Central London Area to be developed for a mix of uses, including self-contained housing. As such, where development results in more than 200sqm (GIA) additional floorspace, the policy requires up to 50% of the additional floorspace to be self-contained housing. Where the floorspace

is above 1,000sqm (GIA), the expectation would be for on-site housing provision and for an affordable housing contribution to be made in accordance with policy H4, subject to viability.

5.28 Policy H2 also contains provisions where the Council can consider the provision of housing on site to be unreasonable and unnecessary. Such circumstances can include site specific issues such as working with listed buildings and existing buildings, the mixes of uses within the proposed building and viability reasons. Where this can be demonstrated, the Council's next preference is to deliver the housing requirement off site and, in exceptional circumstances, provide a financial payment in lieu. This policy is considered below.

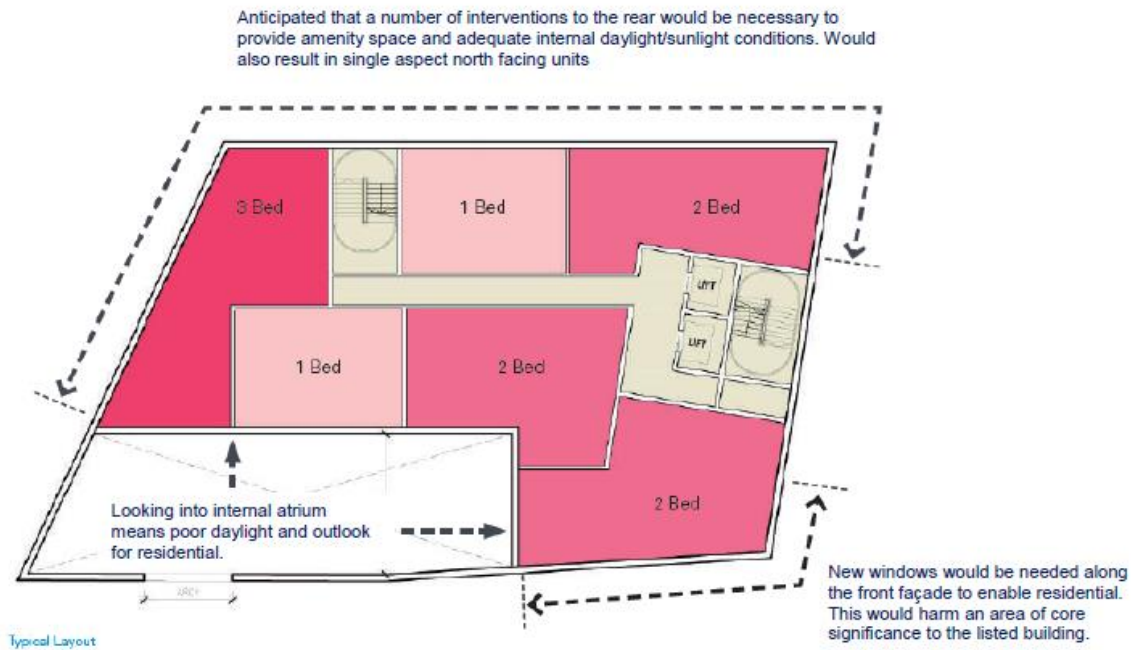
Providing housing on site is not an option

5.29 Providing residential accommodation on site would result in a number of difficulties and impracticalities, both in terms of design, operational/land use conflicts and the characteristics of the site and the surrounds. These can be summarised as follows:

- The existing plan form and floorplate of the building limits the ability to provide an efficient layout of both market and affordable dwellings, which would not result in the scheme to not maximise the quantum of development to be delivered;
- To provide housing on site would necessitate the need to provide new openings into the historic façade of the building, which could cause significant harm to the special interest of the listed building;
- The majority of units would be provided on the northern elevation of the building, resulting in low levels of daylight and sunlight and many units being single aspect;
- Residential flats would need to be internalised and would result in sub-optimal internal living conditions for residents, with units provided without any private amenity space;
- The provision of cores within the building would not be able to maximise the amount of units on each level due to the need to position to the core to the edge of the floorplate; and
- A number of other general inefficiencies associated with the mix of uses within the building, including separate cores and circulation space, which would not optimise development.

5.30 These various plan inefficiencies and difficulties in providing housing within the listed building are shown in Figure 5.1.

Figure 5.1 Diagram demonstrating why providing housing within the listed building is not feasible



- 5.31 In addition to the above, it is likely that the provision of residential accommodation alongside hotel and cinema accommodation would result in a number of land use conflicts, particularly at ground floor level, with residential entrances needing to be separated and would likely require the provision of a separate core. This would become further exacerbated if affordable housing was to be provided on site.
- 5.32 For these reasons, it is considered that providing self-contained housing on site in line with the Council’s mixed use policy would not be practical or appropriate and would result in a number of poor outcomes for future residents and for the operation of the hotel.
- 5.33 We are aware that a similar conclusion was reached with the application at the adjoining site at 125 Shaftesbury Avenue (LPA ref. 2016/5202/P), where providing housing on site was considered unreasonable due to the issues of working with a retained building, along with the variety of other land use conflicts.

Why providing housing off site is not an option

- 5.34 The proposed development is unique. The existing building requires significant intervention and refurbishment to secure the long-term future of the listed building to prevent it from becoming a building in a state of disrepair. As such, the need to balance the special interest of the listed building alongside the need to provide a new commercially viable development has resulted in the development to deliver the minimum amount of floorspace achievable to deliver a viable scheme.

- 5.35 Throughout the pre-application phases of the project, in order to respond to design officers' comments in relation to protecting the special interest of the building, the overall development quantum on site has been reduced further and further to a point now where providing less floorspace would result in the development to be undeliverable and unviable. The proposed development is at level where is close to being cost neutral.
- 5.36 The viability and operation of the proposed development has been detailed within a detailed viability report which has included input from specialist cinema, hotel and food and beverage consultants. This has allowed a detailed appraisal of the scheme to be prepared, factoring in the necessary fit out costs and expected revenue from each use alongside the wider development costs.
- 5.37 The submitted viability report demonstrates that, once the various development costs and the expected revenues from the hotel, cinema and food and beverage uses (based on specialist input) are factored in, the development is not able to afford a significant amount of money to put towards to the purchase and delivery of housing off site.
- 5.38 In addition, notwithstanding the reasons presented above why providing housing on site is not achievable or practical, even if a portion of housing was able to be delivered on site, the expected revenue from the development would not generate a significant sum of money to purchase and / or deliver new housing off site. This would result in the other uses on site becoming less viable businesses. In particular, this would impact the hotel operation as it would not generate the critical mass that is needed to deliver an efficient business model that would be attractive to a commercial hotel operator.
- 5.39 Therefore, even if an alternative mix of uses were proposed within the development that included a small portion of housing that fell short of the Policy H2 requirement, this would not generate the necessary revenue to fund the purchase and delivery of off-site housing. It would also jeopardise the delivery of the scheme as a whole, due to the reduction of the overall quantum of hotel floorspace.

Why a financial payment in lieu is necessary

- 5.40 Based on the above reasons, it is clear that the proposed development represents an exceptional circumstance in line with Policy H2 of the Local Plan. Providing housing on site would not be achievable and would result in significant harm to the listed building through the need to provide additional openings into the historic fabric, it would result in sub-standard living conditions for residents and would create a number of land use conflicts and plan efficiencies given the other uses within the building.
- 5.41 As such, a financial payment in lieu would be sought by the proposals in line with the cascading approach by Policy H2. This approach has also been considered appropriate for the scheme at 125

Shaftesbury Avenue (LPA ref. 2016/5202/P), with the payment of a financial contribution able to be put toward on a number of important housing projects in the local ward.

- 5.42 Further details regarding the viability of the proposals is detailed within the accompany Viability Report.

Design and heritage

- 5.43 The overarching principle behind the proposed development is to give a new commercially-viable lease of life to the Grade II listed building which is quickly heading towards a state of disrepair. Ensuring a sensitive design and heritage restoration approach to finding the optimal development solution has been at the heart of the design and formed a key part of pre-application consultation with officers.

- 5.44 Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of the heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness.

- 5.45 Paragraph 134 of the NPPF states that where development will lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal.

- 5.46 At a regional planning level, Policy 7.8 of the London Plan (2016) states that development affecting heritage assets and their settings should conserve their significance through sensitive design in terms of form, scale, materials and architectural detail.

- 5.47 Policy D1 and D2 of the Local Plan emphasis the importance of contextual design and the need to preserve and enhance the heritage assets within the borough.

- 5.48 The design of the proposed development has evolved through a number of pre-application meetings and discussions with officers. This has resulted in the mass of the roof extension to drop from 9 extra levels to 2 extra levels, with the proposed development quantum resulting in the minimal viable level of floorspace, which has also manifest in a roof extension and wider approach to the heritage

restoration of the building that appropriate preserves the special interest and character of the listed building.

- 5.49 The proposals would retain the façade of the listed building, including the Gilbert Bayes frieze, the roundels and the decorative ornamentation surrounding the entrance door and display window. These are the key features of the listed building located on the front elevation of the building which would be enhanced by the proposals. Internally, the primary internal spaces, which once may have held the highest heritage value, particularly the entrance lobby, stall bars and auditorium have all been entirely lost, and the extensive modern interiors otherwise hold negligible heritage interest. As such, the proposed development would remove the existing internal structures and replace it with a new modern intervention that would sit within the four walls of listed building, with the roof extension element of the proposals designed in a manner that is subordinate and sympathetic.
- 5.50 The proposed roof extension has been set back from the key front elevation of the building, ensuring that the main defining features of the existing building would continue to be read along the Shaftesbury Avenue streetcape. To the rear of the site, the roof extension has a composition that retains elements of the existing flytower, interspersed with new glazed elements to create a visually appealing and sympathetic roof extension when viewed from Phoenix Gardens to the north.
- 5.51 Overall, the proposed development is considered to deliver the optimal heritage restoration and design approach to the existing Grade II listed building, ensuring new commercially viable lease of life can be given to the listed building. The proposals are therefore considered to accord with the principles within the NPPF, Policy 7.8 of the London Plan and Policy D1 and D2 of the Local Plan.
- 5.52 Further details regarding the approach to design and conservation, as well as the proposed development's contribution to the wider townscape, are including within the accompanying Heritage, Townscape and Visual Impact Appraisal Statement prepared by Iceni Projects.

Traffic, servicing and deliveries

- 5.53 A detailed Transport Assessment has been prepared by Iceni Projects to accompany this application, which considers how the proposed development would impact on the surrounding transport network, to identify the appropriate levels of parking provision and to devise an outline servicing and deliveries strategy for the site in accordance with Policy T1, T2, T3 and T4 of the Local Plan and Camden Planning Guidance CPG 7.
- 5.54 The assessment confirmed that the application would not have an impact on the local transportation network, with the increased trip generation on site able to be accommodated through the provision of on-site cycle parking, and through the excellent public transport connectivity of the site.

5.55 The assessment also includes an outline servicing and deliveries strategy, which demonstrates how the development would be serviced during from both New Compton Street and Shaftesbury Avenue and what highways improvement works are proposed to ensure this can occur safely and efficiently.

5.56 The various transport and servicing elements of the proposals are assessed below.

Car parking

5.57 The proposed development would be car free in accordance with Policy T2 of the Local Plan, encouraging users of the site to use sustainable modes of transport to and from the site given its excellent PTAL rating of 6b.

5.58 A draft Framework Travel Plan has also been submitted which outlines how the operation of the facility would be able to encourage sustainable transport means for users.

Cycle parking

5.59 A total of 15 short stay and 15 long stay cycle space are required to serve the proposed development in accordance with the London Borough of Camden's Parking Standards. The proposed development would provide two cycle parking areas at ground floor and at basement level two which can accommodate this cycle parking requirement, with access to both areas. The provision of Sheffield stands at the frontage of the site for short stay parking is also proposed to encourage visitors to the facility to use bicycles.

Servicing and deliveries

5.60 The current servicing of the site is not formalised and occurs in an ad hoc manner. The proposed development therefore provides the opportunity to rationalise the servicing of the site and to seek necessary highways improvements to the wider benefit of other road users and pedestrians.

5.61 A draft Delivery and Service Management Plan has been prepared as part of the application which details the proposed servicing and delivery arrangements which would occur both at the front of the site on Shaftesbury Avenue and to the rear of the site on New Compton Street. To facilitate this, two sets of highways works are proposed:

- The introduction of a footway layby on Shaftesbury Avenue that would permit deliveries and taxi drops offs to occur without impeding the flow of traffic. This layby would also allow the existing footpath to be widened for a portion of the frontage of the site, improving the pedestrian experience.
- The relocation of parking bays and loading bay on New Compton Street. This arrangement would result in the relocation of the parking bays from the southern side of New Compton Street to the northern side and facilitate the provision of a loading bay on the southern side of New Compton

Street adjacent to the loading bay at the rear of the building. This arrangement would improve the existing servicing arrangement at the rear and would ensure consistency with the remainder of New Compton Street, which provides all parking bays on the northern side of the street.

5.62 The frequencies and types of deliveries would vary based on the uses within the building, however, where possible, all deliveries and servicing would occur outside of peak hours. The various types of deliveries to and from the site, as well as the vehicle time, delivery times and typical dwell times are provided in Table 5.1.

Table 5.1 Types of Delivery, Vehicle Type and Times

Delivery Type	Typical Frequency	Typical Vehicle Type	Vehicle Length	Typical Delivery Time	Typical Dwell Time
<i>Postal Delivery</i>	Daily pass-by	Transit van	5.7m	09:00-16:00	5 minutes
<i>Waste Collection</i>	Daily	9.86m Refuse Vehicle	9.86m	From 07:00	10-20 minutes
<i>Hotel deliveries (Laundry, Maintenance, Supplies, etc.)</i>	3 per day	Varies from Transit Van / Box Van / Rigid vehicle	5.7m to 10m	09:00-16:00	10-60 minutes
<i>Bar deliveries</i>	1 per day (drinks)	Varies from Transit Van / Box Van / Rigid vehicle	5.7m to 10m	09:00-16:00	10-60 minutes
<i>Cinema deliveries</i>	3 per day (drinks / food / other)	Varies from Transit Van / Box Van / Rigid vehicle	5.7m to 10m	09:00-16:00	10-60 minutes

5.63 The draft Delivery and Service Management Plan also details a range of management protocols to ensure servicing and delivering occurs in a planned and considered manner. This would occur primarily through a booking system which would need to be adhered to by management and suppliers ensuring minimal impact on the surrounding area.

5.64 The draft Delivery and Service Management Plan provides further detail regarding this strategy and demonstrates how the proposals would not cause any negative impacts on the surrounding transportation network, in accordance with Policy T4 of the Local Plan.

- 5.65 Additionally, the improved highways works have been agreed with London Borough of Camden Highways officers prior to the submission of the application. They would ensure servicing and deliveries to the site would be efficient and the upgraded highways works would meet the objectives of Policy T3 of the Local Plan which seeks to encourage improvements to transport infrastructure.

Licensing

- 5.66 The proposed development falls within the Seven Dials Cumulative Impact Policy Area contained within the London Borough of Camden's Statement of Licensing Policy 2017 (SOLP).
- 5.67 Premises license applications would be made in due course for the hotel, cinema, bar/restaurant and roof top bar following the approval of the application. However, in accordance with the SOLP, the Applicant intends to engage with a number of key stakeholders and community groups throughout the assessment of the applicant to ensure all matters pertaining to licensing are fully considered.

Daylight, sunlight and overshadowing

- 5.68 Policy A1 of the Local Plan requires that new proposals consider the impact of a loss of daylight, sunlight and overshadowing to surrounding properties and open spaces. The policy advises that schemes which result in a harmful impact would normally be refused with each development considered in line with BRE Guidelines.
- 5.69 In order to determine the proposed development's impact on surrounding residential properties as well as Phoenix Gardens, a Daylight, Sunlight and Overshadowing Assessment has been prepared by Point2 Surveyors. The surrounding residential properties that were considered included:
- 1-25 Pendrell House;
 - 152-156 Shaftesbury Avenue;
 - 166-170 Shaftesbury Avenue;
 - 1a Phoenix Street;
 - 41 Tottenham Street; and
 - 1-8 The Alcazar, Stacey Street.
- 5.70 The report considered two separate baseline scenarios in order to consider the impact of the proposed development. The first scenario is the existing scenario, while the second scenario considered the additional mass and scale of 125 Shaftesbury Avenue (LPA ref. 2016/5202/P), which received resolution to grant in April 2017.

- 5.71 The report confirmed that the proposed development has been sympathetically designed to ensure that for the majority of windows tested, no impact on the light receivable by neighbouring properties would occur. In a small number of isolated properties, the recorded Vertical Sky Component (VSC) changes would be beyond the advisory 20%, however these windows already receive very low levels of light, with the absolute reduction in VSC being below 2%. This is at a scale where the occupants of these properties would not be able to discern any noticeable differences. Overall, the proposals would result in very high levels of compliance with BRE guidelines when undertaking VSC, No Sky Line (NSL) and Annual Probably Sunlight Hours (APSH) tests.
- 5.72 Results from overshadowing analysis (Sun-on-Ground) confirmed that the proposals (when considering existing scenarios) would achieve full BRE compliance, highlighting very good retained levels of sunlight to Phoenix Gardens.
- 5.73 For further details in this regard, please refer to the accompanying Daylight, Sunlight and Overshadowing Report prepared by Point 2 Surveyors.

Sustainability and energy

- 5.74 The NPPF identifies the mitigation of and adaptation to climate change as being central to the economic, social and environmental dimensions of sustainable development.
- 5.75 Paragraph 96 of the NPPF states that in determining planning applications, local planning authorities should expect new development to comply with adopted Local Plan policies on local requirements for decentralised energy supply, unless it can be demonstrated by the applicant that this is not feasible or viable.
- 5.76 At the regional level, Policy 5.2 of the London Plan (2016) requires development proposals to make the fullest contribution to minimising carbon dioxide emissions in accordance with the energy hierarchy:
- Be lean: use less energy
 - Be clean: supply energy efficiently
 - Be green: use renewable energy
- 5.77 Policy 5.3 of the London Plan (2016) states that proposals should demonstrate that sustainable design standards are integral to the proposal and are considered at the beginning of the design process.

5.78 Additionally, Policies CC1 and CC2 of Camden's Local Plan also reiterate the need for development to make the fullest possible reductions of carbon dioxide emissions, be waste and resource efficient and to achieve a number of sustainable outcomes.

5.79 The 'be Lean, be Clean, be Green' approach has been adopted in order to achieve the required sustainability levels for the scheme. Sustainability targets will be implemented through the following:

- The use of efficient building fabrics, high levels of building air tightness and the use of highly efficient lighting systems;
- The use of a highly efficient air source heat pump system to provide the space heating, cooling and domestic hot water for the development;
- The use of a greywater harvesting system to minimise potable water usage of the development; and
- Attainment of BREEAM Excellent through the attainment of a number of energy, waste and waste credits achievable.

5.80 Further detail regarding the water usage of the proposals, the targeted BREEAM score and assessment against the Part L Carbon Emission targets is below and within the submitted Sustainability and Energy Statements prepared by DSA Engineering.

Water usage

5.81 The proposed hotel would, by its very nature, require the usage of a higher proportion of water compared with other land uses. To combat this higher demand for water, the scheme would incorporate a greywater harvesting system, which would be installed to all hotel rooms. This greywater would be used to flush toilets within the hotel rooms reducing the overall usage of potable water.

5.82 Additionally, the toilets for the back of house areas, restaurants, bars and cinemas would also be connected to the greywater harvesting system allowing toilets to be flushed with greywater.

BREEAM

5.83 As part of the Sustainability Assessment submitted with the application, a BREEAM Pre-Assessment Report was prepared. This report confirmed that the scheme would be able to target a number of sustainability practices and measures that would:

- Achieve a minimum level of BREEAM excellent with 60% of the energy category, 60% of the water category and 40% of the waste category met; and

- Achieve an overall BREEAM Excellent rating of 73.38%

This BREEAM Excellent rating is considered to be a great outcome given the constraints of working with a listed building.

Part L Carbon Emissions

5.84 The proposed development would result in a circa 20% reduction against the Part L requirements, falling short of the 35% target required by policy. There are a number of reasons why the scheme cannot achieve this target, which is primarily as a result of maintaining the special interest of the listed building through appropriate design and façade materiality. Specifically:

- The proposed development is the refurbishment and extension of a listed building, which presents challenges in meeting the 35% reduction against Part L.
- Maintaining the special interest of the listed building through the design of an extension that matches the character of the host building, and remains subservient to it, has been a key consideration during consultation with officers.
- As a result of the need to achieve an acceptable design to the roof extension, the provision of a roof extension that is predominantly glazed, is the reason why the scheme is unable to meet the 35% reduction.
- The efficiency of the near 100% glazing of the façade is poor, resulting higher levels of heat loss and heat gain and an overall poorer performance.
- By comparison, a stone-clad extension that reduced the level of glazing to circa 40% of the façade would allow the scheme to meet the 35% reduction target.
- Previous iterations of the design included a stone-clad roof extension. However, this was considered unacceptable from the design and conservation perspective.

5.85 With respect to the above design and conservation considerations, Historic England's Energy Efficiency and Historical Buildings (2017) guidance document states that "*In assessing reasonable provision for energy efficiency improvements for historic buildings of the sort described in [the above] paragraphs..., it is important that the BCB [Building Control Body] takes into account the advice of the local authority's conservation officer. The views of the conservation officer are particularly important where building work requires planning permission and/or listed building consent.*"

5.86 As such, the proposed reduction in carbon emissions of 20% against the Part L requirements is considered to be an excellent outcome for the building and the payment of a financial payment in lieu should not be required. A stone-clad roof extension would achieve the necessary reduction due to its better façade performance; however, due to the glazed materiality of the proposed roof

extension a specific result of consultation with the Council's design officer, in accordance with Historic England's guidance, the Council should take this into consideration when assessing the proposed building's energy performance. For this reason, it is not considered that a financial payment in lieu should be required.

Flood risk and SuDS

- 5.87 Price & Myers have prepared a drainage strategy for the proposed development which considers the flood risk of the site as well as considering a number of surface water management measures and sustainable urban drainage systems (SuDS).
- 5.88 The existing site is 100% impervious, is located within Flood Zone 1 and is at a low risk of surface water flooding. While a formal flood risk assessment is not required, the drainage design for the proposals has sought to implement as many SuDS strategies as possible.
- 5.89 When considering the proposed drainage design, the following was found:
- Results from site investigation work confirmed that the site is underlain by London Clay, meaning that infiltration systems would not be feasible;
 - Surface water attenuation was not considered feasible due to the space requirements and the associated connection means to the public sewer. Furthermore, the proposals would result in no net increase in surface water runoff compared with the current building; and
 - Greywater harvesting was considered feasible as part of the Sustainability Strategy, which would have benefits for reduced water demand of the building.
- 5.90 Based on the site-specific constraints, it was concluded that there are limited means to implement SuDS strategies. As such, the drainage strategy would result in surface water being discharged into the existing Thames Water connections on site, and foul water would be discharged into the Thames Water sewers. This would continue the existing arrangement on site and, given the site-specific constraints, is considered appropriate.

Air quality

- 5.91 The London Borough of Camden is located within an Air Quality Management Area (AQMA), with the central London area of the borough a known hot spot for poorer air quality, principally due to high levels of nitrogen dioxide (NO₂) and fine particulate matter (PM₁₀). As such, the Council has committed to improve its air quality through a number of measures within its Clean Air Action Plan (2016).

- 5.92 Accordingly, an Air Quality Assessment, incorporating an Air Quality Neutral Assessment was prepared by Ramboll in accordance with policy CC4 of the Local Plan.
- 5.93 The assessment confirmed that data from monitoring stations near the site confirmed that NO₂ concentrations near the site are currently exceeding the National Air Quality Objectives. The proposed development has been assessed and it was concluded and demonstrated that it would be air quality neutral and would not cause any further air quality impacts. The scheme would achieve this through:
- The delivery of a car free development; and
 - Through the use of air source heat pumps and low NO_x boilers.
- 5.94 The proposed development would therefore not impact air quality; although it would introduce new hotel accommodation into an existing area of poor air quality. Given the temporary nature of hotel accommodation, there would be no long-term exposure to poor air quality for hotel guests. However, notwithstanding, the proposals have sought to ensure that design of the development would reduce the exposure to poor air quality for hotel guests and other users of the building in the cinema, restaurants, bars and spa. This would be achieved through the use of mechanical ventilation with intakes placed at roof level where pollutant concentrations would be reduced compared to ground level conditions.
- 5.95 Additionally, it was noted that any potential air quality impacts during the construction phase of the project could be effectively managed through a dust management plan. This would be incorporated within both demolition and construction management plans.
- 5.96 Overall, the proposed development would be air quality neutral, with the design of the development and the use of mechanical ventilation ensuring that hotel guests and other users of the development would have their exposure to poor air quality reduced. As such, the proposed development is considered to be in accordance with Policy CC4 of the Local Plan.

Basement impact

- 5.97 The proposed development would result in the introduction of a new basement level on site, underneath the existing basement levels.
- 5.98 Policy A5 of the Local Plan notes that new basement levels beneath existing basement levels are acceptable on large major developments, subject to the preparation of a Basement Impact Assessment (BIA). The BIA needs to demonstrate that the proposed basement would have no impact on the site-specific ground conditions, local drainage and water environments and the structural

stability of existing properties on site and on surrounding sites. This BIA should be prepared in accordance with Camden Planning Guidance CPG 4.

- 5.99 Price & Myers have prepared a Construction Method Statement and BIA which accompanies this application. The BIA was informed by a number of site investigations, desk based assessments, the proposed design of the basement and wider structure of the development and a ground movement assessment.
- 5.100 Following the screening protocols from CPG 4, the BIA concluded that the proposed development would not result in any specific land or slope stability issues that would result in impacts to surrounding properties and surrounding infrastructure, including nearby pedestrian footpaths, the public highway and a Crossrail tunnel, circa 25m to the north of the site.
- 5.101 Overall, these investigations confirmed that, subject to appropriate mitigation measures during construction, the proposed development can be constructed safely and without significant adverse effects upon existing building structures on neighbouring properties, and would have no significant impact on sub surface ground and water conditions.

Construction management

- 5.102 A Construction Method Statement (CMS) and draft Construction Transport Management Plan (CTMP) has been prepared in relation to the construction of the proposals as well as considering construction traffic movements and potential impacts during the construction phase of work.

Construction Method Statement

- 5.103 The CMS outlines how the project would be delivered over three principal phases: the demolition of the internal structure within the existing building, the excavation of the additional basement level and the construction of the new development.
- 5.104 A number of mitigation measures have been identified within the CMS to minimise impacts to surrounding properties and structures during construction. This includes the use of a movement monitoring strategy, noise and vibration controls, a commitment to health and safety practices and through the placement of site hoardings, security and other information boards.
- 5.105 The preparation of a detailed Construction Management Plan would be required as part of a Section 106 legal agreement. This would contain specific details regarding the issues that may impact local residents, neighbouring businesses, the general public and the surrounding area of the site during the works and sets out the detailed measures that would be implemented to mitigate these impacts.

Draft Construction Traffic Management Plan

5.106 A draft CTMP has been prepared which outlines the expected construction traffic during the construction phase of the proposed development. At this stage, it has been anticipated that the following number of vehicle movements would be expected during the construction phases of the project:

- Demolition and excavation: average of 15 loads per day (a total of 30 vehicle movements); and
- Construction: average of 10 loads per day (a total of 20 vehicle movements), peaking at 15 loads per day (30 movements).

5.107 The draft CTMP outlines strategies to minimise the impact on surrounding properties through a number of mitigation measures. These include:

- Scheduled times for delivery vehicles, ensuring that only two or three vehicle movements would occur per hour;
- The use of appropriate construction vehicle routes to and from the site;
- The use of loading and servicing via New Compton Street and Shaftesbury Avenue to split the construction traffic to the front and rear of the site;
- The use of controlled delivery hours and construction hours; and
- Ensuring all contractors sign up to the Considerate Constructors Scheme.

5.108 The draft CTMP would be finalised during the detailed design phase of the project with officers from the Council, ensuring the construction of the proposed development can minimise its impact on surrounding properties and the surrounding transportation network.

Noise

5.109 The proposed development would result in the provision of new plant and equipment as well as a roof top bar. The potential for noise from this plant and activity has been considered in an Environmental Noise Survey report prepared by Sandy Brown.

5.110 The report confirmed the existing background noise levels on site through on site measurements over day and night time periods over two separate periods in October and November. These two periods covered weekends. The data confirmed that the representative background noise levels were 49 dB (LA90, 15min) during the day, and 47 dB (LA90, 15min) during the night.

- 5.111 Based on the above data, plant noise limits and parameters have been set which would be complied with as part of a planning condition.
- 5.112 The proposed roof top bar would be fully enclosed, however there is potential for noise associated with music, human voices, footfall and other general activities to surrounding residential properties at Pendrell House, New Compton Street and 1 /1A Phoenix Street (The Alcazar). Appendix 3 of the Local Plan prescribes noise limits that are acceptable within dwellings and in associated amenity areas. Based on these noise limits, it was confirmed that low to medium background level music could be played without causing a noise exceedance to surrounding residential properties.
- 5.113 Additional mitigation measures to mitigate noise to surrounding residential properties is through ensuring the roof level bar would be fully enclosed, through siting the bar along the Shaftesbury Avenue frontage of the site and through the operating hours.
- 5.114 Further information is provided within Sandy Brown's Environmental Noise Survey Report.

Archaeology

- 5.115 The subject site is located within an Archaeological Priority Area, with the potential for historical artefacts from the Anglo Saxon and Medieval periods. As the proposals would result in the excavation of one additional basement level, an Archaeological Desk Based Assessment was prepared by CgMS.
- 5.116 The report confirmed that due to the redevelopment of the site in the 1930s when the Saville Theatre was built, the excavation of the existing two basement levels would have caused severe impacts to any archaeology beneath the site. As such, it was concluded that there is no further need for any additional archaeological mitigation measures.

Ecology

- 5.117 The subject site is located within a dense urban environment, with limited areas of open space surrounding the site. The closest area of open space is Phoenix Gardens.
- 5.118 As such, a Preliminary Ecological Appraisal (PEA) was prepared by Syntegra to confirm whether the site currently provides any habitat opportunities for roosting birds or bats that may use Phoenix Gardens or other open spaces surrounding the site.
- 5.119 The PEA found that the current site does not provide any habitat opportunities for any nesting bats and birds, with no further investigations deemed necessary before works could commence.

5.120 In order for the scheme to result in a net improvement to the local environment, it was recommended that the installation of nesting and roosting boxes occur. These measures would be incorporated into the construction of the final scheme to ensure a net ecological benefit.

Refuse and recycling

5.121 A dedicated refuse and recycling area would be provided for all uses of the proposed development at basement level 2. This would be located adjacent to the dedicated loading and services lift, allowing for easy transfer to street level and removal. This area would contain 4 x 660L Eurobins and 2 recycling trolleys and has been sized in accordance with the London Borough of Camden requirements.

Planning obligations

5.122 The proposed development would require a section 106 legal agreement to be entered into between the Applicant and the Council to secure a number of planning obligations. A draft section 106 agreement has been submitted in support of this application. This draft agreement sets out the following heads of terms:

- Demolition Management Plan;
- Construction Management Plan;
- Basement Construction Plan;
- Employment and Local Supply Plan;
- Employment and Training Contribution;
- Energy Efficient and Renewable Energy Plan;
- Sustainability Plan;
- Highways Contribution;
- Travel Plan;
- Hotel Management Plan;
- Service Management Plan;
- Mechanism to include the named operator of the cinema;
- Financial contribution to off-site housing.

5.123 The section 106 legal agreement would be finalised in conjunction with the London Borough of Camden.

Community Infrastructure Levy

5.124 The proposed development would result in the net increase of more than 100 sqm of new floorspace. As such, it is liable to a Community Infrastructure Levy (CIL) charge. The CIL Form has been submitted with this planning application which lists the existing and proposed land uses by area.

6. CONCLUSIONS

6.1 This Planning Statement has been prepared on behalf Capital Start Limited in support of an application for full planning permission and listed building consent at 135-149 Shaftesbury Avenue, London WC2H 8AE.

6.2 The proposed development would result in the comprehensive refurbishment of the existing listed building, the delivery of a new basement level and a two-level roof extension to deliver a new mixed-use development that provides a four-screen cinema, 94-bed hotel, restaurant and bar facilities and spa. This would be complemented by public realm and highways improvements.

6.3 The proposed development is considered to result in a number of planning benefits:

- Providing a new commercially viable lease of life to a dying listed building, securing its long-term future;
- The delivery of a new cultural destination that would bring back a sense of entertainment and vitality to this area of the West End and Shaftesbury Avenue;
- The introduction of a new high-quality second showing cinema that will make a day or night out at a Central London cinema inclusive and accessible to all;
- The retention of cinema use on site for the long-term;
- Providing a new high-quality hotel, restaurant, spa and bar to cater for the growing demand for tourist and visitor accommodation within Central London;
- Linking established and emerging cultural quarters;
- The delivery of sensitive and high-quality architecture that works with and enhances the special interest of the listed building, as well as protecting the amenity of surrounding residential uses;
- The delivery of a highly sustainable development, achieving a number of key strategy sustainability and energy policy requirements, including BREEAM Excellent;
- The provision of a package of public realm and highways works that would rationalise the existing servicing and parking arrangements on New Compton Street, improve the existing pedestrian environment on Shaftesbury Avenue and would permit safe and efficient servicing on Shaftesbury Avenue; and
- The provision of an appropriate level of cycle parking that would have no impact on the local transport network and would encourage sustainable transport means to and from the site; and

- Creating a range of long term and sustainable employment opportunities for Londoners.

6.4 Overall, the proposed scheme is considered to constitute a sustainable development that complies with the relevant planning policies of the development plan and will deliver a significant number of planning benefits.