



6 New Bridge Street
London EC4V 6AB
T: 020 7489 0213
F: 020 7248 4743
E: info@dwdllp.com
W: dwdllp.com

PLANNING STATEMENT

22 TOWER STREET, LONDON WC2H 9NS

Disclaimer

This report has been produced by DWD, the trading name of Dalton Warner Davis LLP, a Limited Liability Partnership. Registered in England No. OC304838. Registered Office: 6 New Bridge Street, London, EC4V 6AB. The report is intended for the sole and exclusive use of the instructing client or party. The report shall not be distributed or made available to any third party or published, reproduced or referred to in any way without the prior knowledge and written consent of DWD. The report does not constitute advice to any third party and should not be relied upon as such. DWD accepts no liability or responsibility for any loss or damage to any third party arising from that party having relied upon the contents of the report in whole or in part.

Date: December 2018

Ref: 13139

CONTENTS

1.0 INTRODUCTION	1
2.0 SITE DESCRIPTION AND CONTEXT	2
Description.....	2
Context.....	2
3.0 DESCRIPTION OF THE PROPOSED DEVELOPMENT	3
4.0 PLANNING HISOTRY	5
5.0 PLANNING POLICY CONTEXT	7
Adopted Development Plan.....	7
6.0 PLANNING ASSESSMENT.....	8
Principle of Development and Main Issues	8
Heritage Impact Assessment	8
<i>HIA: Rear Extension</i>	9
<i>HIA: First Floor Extension & Ground Floor Amendments</i>	10
<i>HIA: External Alterations</i>	11
Sunlight/Daylight Impacts.....	12
Change of Use	13
Acoustic impact Assessment.....	15
Fumes.....	17
Loss of Employment Floor Space	17
7.0 CONCLUSION	20

APPENDICES

APPENDIX 1: PHOTOS OF INTERNAL STRIP OUT (LBC REF: 2018/3946/L)

1.0 INTRODUCTION

1.1 This Planning Statement (“**Statement**”) is prepared by DWD on behalf of British Retail Consortium (“**BRC**”) and is submitted to the London Borough of Camden (“**Council**”) in support of an application for planning permission and Listed building consent at 22 Tower Street, London WC2H 9NS (“**Site**”) for the following “**Proposed Development**”:

“Internal and external alterations and replacement rear conservatory. Change of use of part of the building from B1(a) office to flexible B1(a)/A1/A3 use and construction of a first floor extension in connection with the change of use”

1.2 The Site comprises an existing office building which is a grade II Listed former board school. The Site has remained vacant for a number of years to date following the departure of the previous tenant. BRC have purchased the Site for use as their head office. The internal fit-out of the building is dated and in need of modernisation having last been developed in the 1980’s and early 1990’s. The Proposed Development will create a better working environment and enhance the use and appearance of the existing building in a manner that is sympathetic to its heritage significance and setting within the Seven Dials Conservation Area.

1.3 This application should be read in conjunction with the following supporting documents:

- Design and Access Statement prepared by Claridge Architects dated 13/12/18;
- Heritage Impact Assessment prepared by EDP dated December 2018 ref: edp5207_r001a;
- Acoustic Impact Assessment prepared by KPA dated 11/12/18 ref: 18331.PCR.01 Rev A;
- Arboricultural Impact Assessment prepared by HWA dated December 2018 ref: HWA10230_APIII;
- Sunlight/Daylight Report prepared by Colliers International dated 27/11/18; and
- Existing, demolition and proposed drawings (please refer to the full drawing schedule submitted separately).

2.0 SITE DESCRIPTION AND CONTEXT

Description

- 2.1 The Site accommodates a grade II Listed former board school that was constructed in approximately 1847. It is a mainly five storey building with a six storey bell tower and single storey side extension that is a later addition to the building. A single storey conservatory at the rear of the building is was constructed in the 1980's and is set within a courtyard that is bounded by a retaining wall with iron railings along Tower Court.
- 2.2 There is a basement extending the entire area of the original building's footprint and that basement was extended in the 1980's under the rear conservatory. Listed building consent was granted on 09/10/18 (ref: 2018/3946/L) for the soft strip out of the building which removed the non-structural internal 1980's fit-out and consequently the building is currently vacant. During the conversion of the building to an office use in the 1980's the original second floor was removed and 2 new mezzanine floors were inserted together with a mezzanine level on the fourth floor. In addition, the front elevation third floor terrace was enclosed with a uPVC structure to form a winter garden.

Context

- 2.3 The Site is situated in the middle of Tower Street and is bounded to the east by Tower Court which is a pedestrianised street with a terrace of houses on its eastern side. The Site is situated within the Seven Dials Conservation Area.
- 2.4 The Site sits adjacent to the Covent Garden Specialist Retail Area where there is a wide variety of land uses and building designs. Tower Street has fewer active frontages than the surrounding streets and there are fewer variations in land use. Tower Court is predominantly residential in character.

3.0 DESCRIPTION OF THE PROPOSED DEVELOPMENT

Office Use

- 3.1 The property will be refitted with a modern office fitout and its use as an office will continue. The basement will be used for meeting rooms, wash and toilet facilities and plant/storage areas. The most significant alterations proposed are to remove the eastern stair access between ground floor and basement which is a requirement of building regulations and to remove the central lift shaft which is a 2980's addition; its removal will increase the office floorspace by 29.8sq.m (320sq.ft) and significantly improve the quality of the floorspace. To maintain stair access between the ground and basement floors a new staircase will be positioned adjacent to the under-street vaults to the east.
- 3.2 To improve circulation a number of openings will be created in the structural partitioning walls and the central lift shaft is proposed to be removed with a new lift shaft inserted in the bell tower stair core.

Basement Floor

- 3.3 Both staircases to the basement will be removed and a new staircase will be installed connecting the ground and basement floor. A small number of structural openings will be made in supporting walls to improve circulation and the western lightwell to the conservatory basement will be covered with structural glass to increase the useable floorspace of the basement.

Ground Floor

- 3.4 A new structural floor opening will be created at the front eastern corner to facilitate a staircase between the ground and basement floor that is separate from the main stairwell servicing the rest of the building. The building is currently served by two stair cores and it is proposed to replace the western stair core with a lift to service all floors. The plant room for that lift will be contained within the bell tower.
- 3.5 To improve circulation a number of openings will be created in the partitioning walls together with the removal of the central lift shaft. The lift shaft will be removed throughout all upper floors.
- 3.6 At the rear of the existing building is a large conservatory that will be removed in favour of a modern replacement that is smaller in scale and improved design. The east elevation of the proposed conservatory moves away from the Site's boundary.

3.7 The rear courtyard is bounded by a brick retaining wall with iron railings above running alongside Tower Court. The Proposed Development includes two new openings within that wall and replacement railings. One of the openings is proposed near the junction with Tower Street which will provide access to a refuse store and will also provide a more direct access into the proposed replacement rear extension. Another opening further along the boundary wall, near where Tower Court forks toward Earlham Street and Monmouth Street, will provide access to additional bike storage and the courtyard space.

First Floor

3.8 The proposed works to the first floor are limited to creating a small number of internal structural wall openings to improve circulation and light.

3.9 A first floor extension is proposed above the single storey side extension to the west of the Site for use as additional seating for the proposed coffee shop (see later). This floorspace is proposed to be flexible use under B1(a)/A1/A3 to make the most efficient use of land.

Second and Fourth Floors

3.10 The proposed works to the second and fourth floors are identical whereby it is proposed to create a small number of internal structural wall openings to improve circulation and light. In addition, the fourth floor 1980's mezzanine will be removed.

Third Floor

3.11 The proposed works to the third floor are similar to those on the first, second and fourth floor whereby a small number of internal structural wall openings will be made to improve circulation and light. In addition, the 'winter garden' coving the Tower Street elevation terrace will be removed and reinstated as a communal terrace.

Change of use of the single storey side extension to a flexible B1(a)/A1/A3 Use

3.12 A change of use is proposed from B1(a) office to flexible use to include A1 retail and A3 restaurant. A new opening will be created to allow internal movement between the proposed extension and the office building at first floor level with the ground floor opening retained. A new access is proposed at ground floor leading directly on to Tower Street and the remaining windows will be amended to reach ground level.

4.0 PLANNING HISOTRY

4.1 Historic applications for planning permission and Listed building consent (“LBC”) for external alterations to the building are limited to the following:

Ref	Description	Year Approved
22 Tower Street		
8800001	Single storey side extension to the west of the building.	1988
8800456	Single storey replacement rear conservatory and construction of the ‘winter garden’ to enclose the third floor terrace.	1989
2010/5790/L	Replacement of existing windows to the third and fourth floor level of Tower street elevation with new timber windows	2010

4.2 Historic LBC applications for internal alterations to the building are limited to the following:

Ref	Description	Year Approved
22 Tower Street		
8800001	Excavation of basement under the replacement conservatory approved under LBC ref: 8800456 and internal alterations. The internal alterations are not clear from the approved plans but appear to be limited to a number of new partition walls.	1988
8970114	Variations to the drawings approved under LBC ref: 8800001 for the removal of the original second floor and insertion of a new floor. The application also shows some of the existing walls as being removed in part or whole, mostly in the basement, and insertion of the central lift shaft.	1989
2014/3425/P	<i>“Change of use and conversion from offices (B1) to 22 residential units (C3) comprising 3 x studio units, 12 x one-bed units, 5 x two-bed units and 2 x three-bed unit including removal of exiting orangery and replacement with new two storey structure” (the “Residential Development”).</i>	2014
2018/3946/L	<i>“Internal soft strip-out of the building in advance of refurbishment”.</i>	October 2018

4.3 The approved Residential Development included the striping out of the existing 1980’s office fit-out and removal in whole or part of some partitioning structural walls. The Residential Development also included the replacement of the western stairwell with a lift shaft and the installation of an internal light well adjacent to that shaft between the basement and ground floor. The rear conservatory was to be replaced with a modern alternative. The Residential Development was not implemented.

- 4.4 The historic 1980's office fit-out and building alteration LBC applications removed nearly all of the internal heritage features. The entire second floor was removed and two new floors plus a fourth floor mezzanine were inserted.
- 4.5 In preparation of this application and Proposed Development an application for LBC was approved in October 2018 for the soft strip out of some of the 1980's office additions. Works are limited to wall and floor coverings and non-structural partition walls amongst other non-structural aspects.
- 4.6 The soft strip exposed the original fabric of the building to determine if any heritage features survived the 1980's conversion and building works. No heritage features were identified and photos of the stripped out premises are included at Appendix 1.

5.0 PLANNING POLICY CONTEXT

Adopted Development Plan

- 5.1 In accordance with Section 38(6) of the Planning & Compulsory Purchase Act (2004), applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. Under Section 38(2), the development plan for any area within Greater London comprises the Spatial Development Strategy and the development plan documents (taken as a whole) which have been adopted and approved in relation to that area.
- 5.2 The statutory development plan documents adopted by the London Borough of Camden that are relevant to the Proposed Development comprises the following:
- NPPF 2018
 - London Plan 2016
 - Camden Local Plan 2017
- 5.3 Other material considerations that should be taken into account when assessing applications for planning permission are:
- Camden Planning Guidance 'Town Centres and Retail' 2018
 - Camden Planning Guidance 'Employment Sites and Business Premises' 2018
 - Camden Planning Guidance 'Amenity' 2018
 - Seven Dials (Covent Garden) Conservation Area Statement

6.0 PLANNING ASSESSMENT

Principle of Development and Main Issues

- 6.1 The building has undergone significant alterations during the historic conversion to office use in the late 1980's and more recently the principle of many of the structural works included as part of the Proposed Development have been accepted by virtue of the Residential Development, namely the internal structural alterations and openings, loss of employment space, principle of a replacement rear conservatory and removal of the winter garden. Aspects of the Proposed Development that have not previously been considered by the Council are the proposed first floor extension, the introduction of a flexible use class at part of the Site, the updated design for the rear conservatory and the insertion of two new access gates into the Tower Court boundary wall.
- 6.2 The Main Issues are considered to be:
1. The impact of the Proposed Development on the setting and significance of the Listed building and Seven Dials Conservation Area;
 2. The acceptability of the proposed change of use of part of the Site;
 3. Potential impact on sunlight/daylight for surrounding occupiers;
 4. Potential noise impact on nearest sensitive receptors arising from proposed plant; and
 5. Reduction in the amount of 'business employment' floorspace.

Heritage Impact Assessment

- 6.3 NPPF Paragraph 189 explains that the significance of a heritage asset should be described and assessed as part of an application for planning permission that affects that heritage asset and *“as a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary”*.
- 6.4 Paragraph 192(c) further explains that *“in determining applications, local planning authorities should take account of: the desirability of new development making a positive contribution to local character and distinctiveness”*.
- 6.5 London Plan Policy 7.8 'Heritage Assets and Archaeology' part 'D' states that *“development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail”*.

- 6.6 Local Plan Policy D2 'Heritage' states that *"the Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas [and] listed buildings"*.
- 6.7 Part 'J' of Policy D2 states that the *"Council will resist proposals for...alterations and extensions to a listed building where this would cause harm to the special architectural and historic interest of the building; and (K): resist development that would cause harm to significance of a listed building through an effect on its setting"*.
- 6.8 In accordance with the NPPF a specialist heritage consultancy firm, EDP Partnership, have undertaken a Heritage Impact Assessment ("**HIA**") of the Proposed Development and its impact on the significance of the heritage asset.
- 6.9 The HIA provides a detailed explanation of the heritage of the building and the various historic land uses and features. Each aspect of the Proposed Development and its heritage impact is considered in turn with conclusions drawn from the submitted HIA.
- 6.10 In summary, the building's architectural interest lies almost entirely in the fabric of the exterior of the building. This includes its overall unity of style, along with the high interest in some of the individual features, comprising the elaborate entrance doorcase, relief panels, and overall detailing. These factors also give the building some artistic interest. Aside from the roof structure, there is no visible architectural interest on the interior of the building and this has been confirmed following the internal soft strip out work, photos of which are included at Appendix 1.

[HIA: Rear Extension](#)

- 6.11 The existing rear conservatory is a 1980's addition and does not display any architectural merit and in conjunction with the use of poor quality materials the conservatory makes a negative contribution to the Listed building. The previously approved Residential Development confirmed the principle of its demolition in favour of a modern replacement. The Proposed Development again proposes to replace the conservatory with a modern alternative.
- 6.12 The proposed rear conservatory has been designed to be sympathetic to the Listed building so as to make a positive contribution to its significance and setting within the Seven Dials Conservation Area. It is smaller than the existing structure in height and plan and is designed with a roof structure that allows considerably more light to reach the rear windows of the Site.
- 6.13 Internally, the proposed extension will have a large roof window to provide a view of the Listed building; a view which cannot currently be appreciated due to the poor design of the existing

conservatory. The proposed replacement conservatory is subordinate to the old school building and will help improve the views and setting of the Listed building within the Seven Dials Conservation Area.

- 6.14 Hallwood Associates have prepared an Arboricultural Impact Assessment (“**AIA**”) to assess the impact of the proposed rear extension on the existing trees located along the rear boundary of the Site with Tower Court. The proposed conservatory is smaller than the existing and pulls away from the Site boundary and consequently the AIA concludes that there is unlikely to be an impact on the existing vegetation as a result of the Proposed Development and includes construction methods to ensure the protection of the trees during construction.
- 6.15 In response to NPPF paragraph 192(c) the proposed conservatory will make a “*positive contribution to the local character and distinctiveness*”. The proposed design, detailing and material palette is sympathetic to the Listed building and will enhance its significance by exposing views of the Listed building satisfying the objective of London Plan Policy 7.8 and Local Plan Policy D2.

HIA: First Floor Extension & Ground Floor Amendments

- 6.16 The existing building was not originally designed for office use; although some parts of it can be satisfactorily used for office use and whilst others parts can be amended to be fit for purpose, some parts of the Property are compromised from a modern office occupier’s perspective. One of those areas is the 1988 single storey side extension (ref: 8800001). If that area was to be used for modern office space in connection with the main building it is very likely that it would be a breakout area or meeting room area and consequently the floorspace would not directly contribute to employment generating floorspace or necessitate external alterations that would improve the setting of the Listed building and contribution to the Conservation Area.
- 6.17 The proposed first floor single storey infill extension will house the new coffee shop seating area, as well as provide roof space to house the new plant. The vertically proportioned windows recall the existing building, whilst retaining the symmetry of the front facade.
- 6.18 The proposed first floor extension is scaled such that it sits below the first floor string course detailing at 22 Tower Street and is additionally set back from the street facing elevation in order to respect the hierarchy of the buildings in the street scene and thus appear subordinate to the Grade II Listed building, enhancing its architectural dominance.
- 6.19 The Conservation Area appraisal explains that the character of the Seven Dials CA is not dominated by one particular period or style of building and instead it is the “*combination that is of special*

interest". In that regard the proposed first floor extension is considered entirely appropriate within its setting as characterised by the variety in the wider conservation area.

- 6.20 In addition to the first floor extension the Proposed Development will create a new ground floor access onto Tower Street. The ground floor side extension is not an original feature and the detailing relates poorly to the existing building; the windows are not aligned and there is a clear distinction between the facing bricks.
- 6.21 The proposed alterations and first floor extension will improve the existing poor-quality single storey side extension. The improvement to the street scene responds positively to the CA appraisal in creating a diverse mix of building styles and in accordance with Local Plan Policy D2 the proposal will enhance the setting and significance of the Listed building and Conservation Area.

HIA: External Alterations

- 6.22 In addition to the rear and first floor extensions the Proposed Development includes:
1. Removal of window railings;
 2. Removal of winter garden;
 3. Inclusion of two new access points along the boundary wall with Tower Court; and
 4. New gate to secure the front car parking and service area.
- 6.23 The above listed external alterations are considered minor in scale and the HIA explains their individual impact as follows.
- 6.24 It is proposed to remove the current security bars from the windows. Previous applications for Listed building consent have demonstrated these to be modern and they make a negative contribution to the building by their unsympathetic style. The removal of the railings will revert the building to its original condition and is considered to be an enhancement to the Listed building.
- 6.25 It is proposed to replace the curved winter garden glazing with an open communal terrace. In a similar vein to the rear conservatory, this element is built with poor quality PVC materials and its appearance makes a negative contribution to the listed building.
- 6.26 The proposals involve opening the area as a terrace, which is something more akin to the likely original usage. A simple metal rail balustrade would replace the existing curved glazing and hardwood painted doorsets will be reinstated within the large arched openings.
- 6.27 This element of the proposals represents an enhancement to the Listed building by removing an intrusive element from the main elevation and reinstatement of the original façade of the building.

- 6.28 The remaining impacts relate to the addition of the gates within the railings along Tower Court. Each are designed to be single pedestrian gates, flush with the railings, and resulting in the removal of a small part of the modern plinth walling. These will not affect the Listed building or its setting, and will cause no impact in that regard. The new gates will increase the amount of activity at the junction of Tower Court and Tower Street and thus increase the amount of natural surveillance in an area which can be hidden from predominant public view.
- 6.29 On the theme of security, the proposals include a new gate and cycle storage area to the front parking area facing Tower Street. To date this area has attracted anti-social behaviour and the local police have been consulted to discuss improving the security of this area. The proposed gate will exclude unwanted attention from the set back retreat and the placement of cycle storage will increase pedestrian activity and thus natural surveillance.
- 6.30 The proposed external alterations seek to reinstate the Listed building to its former high-quality architectural merit and in accordance with London Plan Policy 7.8 the proposals conserve its significance. In response to Local Plan Policy D2 these proposals will *“enhance Camden’s rich and diverse heritage assets and their settings”*.

Sunlight/Daylight Impacts

- 6.31 A number of windows surround the Site that may be affected by the proposed first floor extension. Local Plan Policy A1 ‘managing the impact of development’ states that *“the Council will seek to protect the quality of life of occupiers and neighbours. We will grant permission for development unless this causes unacceptable harm to amenity...The factors we will consider include: (f) sunlight, daylight and overshadowing”*. Explanatory paragraph 6.5 states that further information on the application of this Policy is contained in the supplementary planning document ‘Camden Planning Guidance on Amenity’ March 2018 (**“Amenity SPD”**).
- 6.32 Section 3 of that Amenity SPD advises that the impact of development proposals will be considered against BRE Guidance, specifically the ‘Site layout planning for daylight and sunlight: A guide to good practice 2011’. Section 3 also advises that *“levels of reported daylight and sunlight will be considered flexibly taking into account site-specific circumstances and context”*.
- 6.33 Explanatory paragraph 3.22 further states that *“the Council notes the intentions of the BRE document is to provide advice to developers and decision makers and therefore it should be regarded as a guide rather than policy”*. Paragraph 3.23 goes on to state that in order *“to enable new development to respect the existing layout and form in some historic areas, it may be necessary*

to consider exceptions to the recommendations cited in the BRE guidance. Any exceptions will be assessed on a case-by-case basis”.

- 6.34 The BRE Guidelines themselves note the same point and state that *“The Guide is intended for building designers and their clients, consultants and planning officials. The advice given here is not mandatory and this document should not be seen as an instrument of planning policy. Its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly because natural lighting is only one of many factors in site layout design (see Section 5). In special circumstances the developer or Planning Authority may wish to use different target values. For example, in an historic city centre, or in an area with modern high-rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings”.*
- 6.35 The guidance goes on to say *“These values are purely advisory and different targets may be used based on the special requirements of the proposed development or its location”.*
- 6.36 In order to assess the sunlight/daylight impact of the proposed first floor extension on the surrounding windows, Colliers International have prepared a Daylight & Sunlight Report submitted with this application. The report assesses the impact of the proposed development on the adjacent windows at the rear of 12-14 Earlham Street and 4-10 Tower Street against BRE guidelines outlined in the ‘Site Layout Planning for Daylight & Sunlight 2011’ document.
- 6.37 The report concludes that the proposed first floor will not impact sunlight/daylight levels reaching 4-10 Tower Street. There will be some impact on the levels reaching just 2 windows to the rear of 12-14 Earlham Street but the affected windows already fall well below BRE Guidelines and the proposed development will potentially reduce that further.
- 6.38 Given the location of the Site within central London and the high density development in the surrounding area in conjunction with the constrained nature of the Site and the need to respect the historic layout and built form it is not considered that the slight reduction in sunlight/daylight reaching just two rear windows to 12-14 Earlham Street is such a significant impact so as to warrant refusal. Indeed, the Amenity SPD explains that a degree of flexibility is appropriate in historic areas and the BRE Guidelines adopted acknowledge that a flexible and pragmatic approach to development is often required.

Change of Use

- 6.39 Camden’s Town Centres and Retail SPD 2018 (**“Town Centre SPD”**) discusses the consolidation and strengthening of Central London Frontages at paragraph 3.14 and states that *“where there are*

ground floor offices or other uses that do not contribute to their character and function planning permission will be granted for the creation of new shop premises or other appropriate uses” and that “this approach will also be applied to the small ‘gaps’ that exist between parts of the Central London Frontages to create more cohesive shopping areas”.

- 6.40 Paragraph 3.44 of the Town Centre SPD states that Covent Garden has a *“relatively small proportion of supplementary uses, including cafes”* and Local Plan paragraph 9.11 confirms that, for the SRA, *“proposals for new retail development within these areas that are not within the designated frontage will be considered to be in an out of centre location”.*
- 6.41 Local Plan Policy TC3 ‘Shops Outside of Centres’ discusses the Council’s desire to protect existing shops outside of centres. The policy does not discuss the provision of new premises in out of centre locations.
- 6.42 Local Plan Policy E2 ‘Employment Premises and Sites’ states that *“the Council will encourage the provision of employment premises and sites in the borough. We will protect premises or sites that are suitable for continued business use”.*
- 6.43 Local Plan Policy A1 ‘Managing the impact of development’ seeks to mitigate the potential detrimental impact the new development could have on local amenity including noise and vibration levels (A1’j’) and odour, fumes and dust (A1’k’).
- 6.44 Local Plan Policy TC1 ‘Quantity and location of retail development’ states that *“the Council will promote the following distribution of retail and other town centre uses across the borough”* and goes on to confirm that *“appropriate provision in Camden’s Specialist Shopping Areas”* will be sought.
- 6.45 The Site is located amongst the Covent Garden Specialist Retail Area (“SRA”) however the building itself, and in particular the side extension where the change of use is proposed, is not designated as a primary or secondary shopping frontage; the nearest primary frontage terminates at the boundary of the return frontage to 10 Earlham Street (Ace & Tate) and the Site. To the east of the Site beyond the junction with Tower Court the designated retail frontage resumes as a secondary frontage. Other breaks in the protected frontages exist in the locality where non-retail uses exist alongside retail uses.
- 6.46 The Site is located outside of the designated retail frontage of Covent Garden and yet the opportunity exists to positively respond to the Town Centre SPD’s aspirations to consolidate and

strengthen the retail offering of the SRA and in particular provide a use that is recognised as being scarce within the SRA.

- 6.47 In order to make the most efficient use of land and to prevent extended periods of vacancy the Proposed Development seeks flexible B1(a)/A1/A3 use.

Acoustic impact Assessment

- 6.48 Local Plan Policy A1 'managing the impact of development' states that *"the Council will seek to protect the quality of life of occupiers and neighbours. We will grant permission for development unless this causes unacceptable harm to amenity...The factors we will consider include: (j) noise and vibration levels"*. Paragraph 6.20 states that further details on this aspect are included at Local Plan Policy A4 'Noise and Vibration' and the Amenity SPD.
- 6.49 Policy A4 outlines that the Council will; *"not grant planning permission for: (a) development likely to generate unacceptable noise and vibration impacts...we will only grant permission for noise generating development, including any plant and machinery, if it can be operated without causing harm to amenity"*.
- 6.50 To objectively assess the impact of noise the Policy refers to Local Plan Appendix 3 which details *"three basic design criteria"*, which are a duplication of the criteria adopted by British Standard 4142:2014 *"Methods for rating and assessing industrial and commercial sound"* that advises a new noise source that is -10dB below background levels is considered to be 'Green - acceptable'. A sound level between -9dB and +5dB compared to the background level is considered to be 'Amber - acceptable in context' and a sound level above +5dB is considered to have an 'Red - adverse effect'.
- 6.51 The Amenity SPD section 6 provides further guidance on the preparation of a noise impact assessment and states that *"the Council will assess the impact of noise and vibration through the consideration of acoustic reports submitted by applicants. Noise mitigation (where appropriate) is expected to be incorporated into developments at the design stage"*.
- 6.52 The Proposed Development includes the provision of plant in two locations; Location 1 is above the proposed first floor extension and will be screened from public view behind a parapet wall; and location 2 is at the ground floor to the rear of the property where an air handling unit will be placed inside an existing plant room. The plant will serve the refurbished office and flexible use space sought by the Proposed Development. Although the plant cannot be viewed it will generate noise by virtue of its operation.

- 6.53 Specialist acoustic consultancy firm KPA have undertaken an Acoustic Impact Assessment (“**Acoustic Assessment**”) to assess the impact that the proposed plant will have on nearby sensitive receptors. Their report concludes that, provided the noise mitigation measures proposed are implemented, there will not be a perceivable increase in noise levels as a result of the proposed plant.
- 6.54 The detailed findings and methodology of the Acoustic Assessment is included in the submitted report and can be summarised as follows. The recorded background noise level monitored over a 24 hour period is 54dB during the daytime (07:00-23:00) and 50dB during the evening (23:00-07:00). The proposed plant is not likely to be operational during the evening hours and in the event that it is, it would run in ‘quiet mode’. The acoustic impact of the proposed plant is only considered in the context of daytime requirements.
- 6.55 British Standard 4142:2014 “*Methods for rating and assessing industrial and commercial sound*” advises that a new noise source that is -10dB below background levels is considered to be ‘acceptable’. A sound level between -9dB and +5dB compared to the background level is considered to be ‘acceptable in context’ and a sound level above +5dB is considered to have an ‘adverse effect’.
- 6.56 The Acoustic Assessment calculates that the proposed plant equipment installed above the first floor extension (location 1) will produce an equivalent continuous A-weighted sound pressure level of 53dB, which is -1dB below the recorded background noise level and is thus considered acceptable falling into the Amber category.
- 6.57 The plant that is proposed to be located toward the rear of the Site (location 2) is calculated to produce an equivalent continuous A-weighted sound pressure level of 44dB, which is -10dB below the recorded background noise level and is thus considered acceptable falling into the Green category.
- 6.58 The proposed A1/A3 unit is limited in size at 69sq.m and the noise generated by patrons and plant is therefore not likely to cause a detrimental impact on the amenity of nearby sensitive receptors, particularly considering that Earlham Street is less than 30m away that is a main thoroughfare through Covent Garden which is a Central London international tourist destination where higher levels of footfall and ambient noise in the wider area is expected.

The proposed plant therefore responds positively to Local Plan Policy A4 and the objectives of the Amenity SPD.

Fumes

- 6.59 Local Plan Policy A1(k) seeks to mitigate the odours, fumes and dust generated by development. In the context of the Proposed Development that would be limited to potential odours and fumes resulting from extraction equipment relating to cooking and food preparation.
- 6.60 Not all operators of the A3 floorspace will require extraction equipment that would lead to the spread of odours or fumes and therefore the details of any such equipment required could be the subject of a planning condition requiring discharge prior to its installation. Wording to the following effect would suffice:

“Prior to their installation, full particulars and details of a scheme for the ventilation of the premises to an appropriate outlet level, including details of the flue, sound attenuation for any necessary plant and any management or filtration mechanisms must be submitted to and approved in writing by the Local Planning Authority”.

Loss of Employment Floor Space

- 6.61 The proposed refurbishment of the Listed building, proposed replacement rear conservatory and proposed change of use will ultimately lead to a slight reduction in B1(a) floorspace totalling - 18sq.m.
- 6.62 Local Plan Policy E2 ‘Employment premises and sites’ seeks to *“encourage the provision of employment premises and sites in the borough”*. Explanatory paragraph 5.37 ‘Proposals involving loss of business premises and sites’ states that in considering the acceptability of the proposed loss of employment floorspace the Council will consider *“the suitability of the location for any business use; whether the premises are in a reasonable condition to allow the use to continue; the range of unit sizes it provides, particularly suitability for small businesses; and whether the business use is well related to nearby land uses”*. The Policy states that further guidance is contained in the ‘Employment sites and business premises SPD 2018’ (**“Employment SPD”**).
- 6.63 Paragraph 9 of the Employment SPD explains that *“The Council recognises that not all existing employment premises will be able to offer the same standards of accommodation as new build premises”* and the Policy goes on to state *“that there is potential for business use to continue in existing employment premises which are in reasonable but not perfect condition”*.
- 6.64 Paragraph 10 further states that *“when a loss of employment floorspace is proposed, we will seek evidence that applicants have fully explored alternative ways to retain business use of the space*

(e.g. re-provision, refurbishment), and fully outline why the alternative schemes were deemed inappropriate”.

6.65 Paragraph 56 of the Employment SPD discusses developments which result in a loss of employment space and that “in exceptional circumstances the Council may agree that change of use is acceptable”. In such circumstances the development will be required to make a contribution toward local employment initiatives however that requirement is only triggered where the total loss in floorspace is greater than 500sq.m.

6.66 The Proposed Development includes the following that will result in changes to the amount of business employment floorspace:

Location	Current Use	Proposed Use	Existing (sq.m)	Proposed (sq.m)
Basement (whole)	Offices/Meeting	Offices/Meeting	396.0	419.8
Ground floor	Offices	Offices	399.1	378.5
Ground Side extension	Office	Flexible B1/A1/A3	44.4	44.4
1 st floor	Office	Office	267.1	267.1
1 st floor extension	n/a	Flexible B1/A1/A3	0.0	31.0
2 nd floor (whole)	Office	Office	260.8	255.6
3 rd floor	Office	Office	241.3	241.3
3 rd floor winter garden	Office	Amenity	19.8	0.0
4 th floor	Office	Office	238.4	238.4
4 th floor mezzanine	Office	n/a	21.2	0.0
Total:			1,888.1	1,876.1

6.67 The total reduction in floorspace is limited to just 18sq.m and this is primarily due to the removal of the fourth floor mezzanine floor which is an unsympathetic 1980’s addition. Another key reduction in floorspace is the removal of the winter garden on the third floor. That too is an unsympathetic 1980’s alteration to the Listed building.

6.68 Other areas of the building will increase in floorspace by virtue of the removal of the central lift shaft and relocation to the bell tower and by the roofing over of lightwell areas in the basement.

6.69 75sq.m is attributed to the floorspace which is proposed to be a flexible use B1(a)/A1/A3. If that floor area is used for A1 or A3 use the ‘business’ floorspace is reduced further however, for reasons explained in this Statement, the employment generating ability of these alternative uses is improved.

6.70 On balance, the reduction in business floorspace is considered acceptable and is primarily due to removing unsympathetic 1980’s alterations to the Listed building and by improving the flexibility of

use at an awkward and impractical location of the building. The loss in floorspace therefore meets the exception tests of Policy E2.

7.0 CONCLUSION

- 7.1 The Proposed Development is for the *“Internal and external alterations and replacement rear conservatory. Change of use of part of the building from B1(a) office to flexible B1(a)/A1/A3 use and construction of a first floor extension in connection with the change of use”*.
- 7.2 This Statement has assessed the Proposed Development against the Council’s development plan and demonstrates that the proposed development meets the development control criteria of those policies.
- 7.3 The Proposed Development involves works to a Grade II Listed building for which Listed Building Consent is sought. A dedicated Heritage Impact Assessment is submitted with the application for planning and Listed building consent that describes the heritage of the existing building and assesses the impact that the Proposed Development will have.
- 7.4 The heritage impact assessment concludes that the proposed works will result in changes to the building that will enhance the significance of the Listed building and its setting within the Seven Dials Conservation Area and will in parts make a positive contribution; this is primarily achieved by removing the unsympathetic and detrimental alterations and additions to the building that were undertaken in the late 1980’s.
- 7.5 The Proposed Development includes a first floor side extension that has been subject to a sunlight/daylight assessment to determine its impact on surrounding occupiers. The sunlight/daylight report concludes that the proposed first floor extension will not detrimentally impact the living quality of nearby occupiers in relation to sunlight/daylight levels and BRE Guidance considering its central London location and high density built environment.
- 7.6 Similarly, the Proposed Development includes the provision of plant equipment that will be positioned at two locations within the Site. The proposed plant specification and positioning has been modelled by a specialist acoustic consultant and their acoustic impact assessment is submitted with the application for planning and Listed building consent and concludes that the plant will not have a detrimental impact on the amenity or living quality of nearby sensitive receptors and advises mitigation measures.
- 7.7 The Proposed Development includes the demolition and replacement of the rear conservatory with a contemporary alternative that is sympathetic to the Listed building and which makes a positive contribution to the significance of the Listed building and Conservation Area setting. There are

existing trees located in the rear courtyard of the Site which are protected by virtue of them being within a Conservation Area.

- 7.8 The proposed development has been assessed by an arboricultural surveyor and their arboricultural impact assessment is submitted with this application for planning and Listed building consent. That assessment concludes that the proposed rear extension works will not impact or pose a threat to the health of the existing trees.
- 7.9 The Proposed Development includes the change of use of part of the Site to a flexible B1(a)/A1/A3 use that will help diversify the land use of the Site and generate employment in the CAZ and SRA. The proposed retail use will assist in filling a gap in a secondary retail frontage of an international shopping destination.
- 7.10 The Proposed Development will refurbish a vacant and somewhat dilapidated Grade II Listed heritage asset bringing it up to modern standards in a manner that is sympathetic to the significance of the Listed building. It will result in a slight reduction in the overall provision of employment floorspace however the reduction in floorspace is necessary to remove unsympathetic 1980's alterations that make a negative contribution to the Listed building and additional floorspace is created through more appropriate building alterations elsewhere.
- 7.11 On balance the Proposed Development will positively contribute to the heritage significance of the Listed building and Seven Dials Conservation Area and in accordance with NPPF Paragraph 192(c) the Council *"should take a account of the desirability of new development making a positive contribution to local character and distinctiveness"*
- 7.12 The Proposed Development should be approved without delay in accordance with NPPF Paragraph 11.

APPENDIX 1: PHOTOS OF INTERNAL STRIP OUT (LBC REF: 2018/3946/L)



Photo 1: 4th floor showing roof beams



Photo 2: Strip out of 3rd floor