

39-41 Parker St, Holborn, London WC2B 5PQ
Garden Theatres Ltd
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21st April 2021



PLANNING STATEMENT

**PROPOSED CHANGE OF USE OF PART OF THE GROUND FLOOR AT 39-41
PARKER STREET FROM OFFICE TO THEATRICAL PERFORMANCE SPACE**

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1.0 Introduction

- 1.1 This Planning Statement has been prepared on behalf of Garden Theatres Ltd (“The Applicant”) in support of a planning application to Camden Council for a change of use of part of the ground floor of 39-41 Parker Street from office space (Class E(g)) to theatrical performance space (Sui Generis).
- 1.2 The main purposes of this Planning Statement are to:
- describe the proposed development, the site and surrounding area;
 - set out the planning policy context for the site and its development;
 - describe the main planning issues affecting the development of the site and how they have been addressed through the application proposals.
- 1.3 The Statement seeks to draw together the assessments and documentation which have informed the preparation of the application and have been submitted with the application in order to assist the Local Planning Authority to determine the application.
- 1.4 The statement is arranged into the following sections:
1. Introduction
 2. Site Description
 3. Relevant Planning History
 4. Proposed Development
 5. Planning Policy
 6. Planning Considerations
 7. Conclusion

2.0 Site Description

- 2.1 39-41 Parker Street is located on the north west corner of the junction between Parker Street and Newton Street in Covent Garden.
- 2.2 The property is a 4-storey building with a mansard extension and basement. The upper storeys and part of the ground floor are in use as offices, with the lower ground floor (basement) and part of the ground floor in use as a cinema. Part of the ground floor under office use is currently occupied by an ancillary canteen area, rather than actual office space.
- 2.3 Entrance to the site for staff and visitors is along Parker Street, along with a vehicular access into a basement car park.
- 2.4 The site is situated wholly within the Seven Dials Estate Conservation Area, but the building is not statutorily listed. The wider building is recognised in the Conservation Area Statement as being a 'Building that Makes a Positive Contribution'.
- 2.5 The site has a PTAL level of 6b, which is the highest possible.

3.0 Relevant Planning History

APPLICATION NUMBER	DESCRIPTION	DECISION
2013/3792/P	Change of use of basement and part ground floor from office (Class B1) to mixed use primarily office (Class B1) with cinema (Class D2) from 1800hours to 2330hours Monday to Sunday with ancillary café/bar. Alterations to shopfront including creation of new access on Parker Street.	Approved 27/01/2014

4.0 Proposed Development

- 4.1 The proposed development comprises the change of use of part of the ground floor at 39-41 Parker Street from office (Class E(g)) to theatrical performance space (Sui Generis).
- 4.2 No proposed net increase in floorspace is to be created by the development. The total area subject to the change of use will be 295m², which will be broken down as follows:
- Theatrical performance space: 63m²
 - Ancillary communal lounge: 166m²
 - WCs: 31m²
 - Ancillary meeting/podcast room: 17m²
 - Ancillary storage: 11m²
 - Staff showers: 7m²
- 4.3 The proposed opening hours are as follows:
- 10:00-00:00 Monday to Thursday;
 - 10:00-00:30 Friday to Saturday;
 - 10:00-23:00 Sunday.
- These hours align with the current premises license for the site.
- 4.4 The applicant proposes to employ two additional part-time members of staff.
- 4.5 There will be no deliveries, loading or unloading of goods or refuse between the hours of 20:00 and 08:00 daily. This aligns with condition 8 of the 2014 approval as listed at section 3.0.
- 4.6 Access from the public highway will remain level so as to ensure accessibility for customers of all physical ability.
- 4.7 Details can be found within the following plans which accompany the application:
- AP(0)001.P1: Location Plan (1:1250);
 - CINE02_100: Existing Ground Floor Plan (1:50@A1, 1:100@A3);
 - CINE02_200A: Proposed Ground Floor Plan (1:50@A1, 1:100@A3).

5.0 Planning Policy

National Planning Policy Framework (NPPF) (February 2019)

- 5.1 The Government published the revised National Planning Policy Framework (NPPF) in February 2019. The NPPF provides an overarching framework for the production of local policy documents and the consideration of development proposals.

Chapter 6: Building a Strong, Competitive Economy

- 5.2 Paragraph 80 states that policies and decisions should help create the conditions in which businesses can invest, expand and adapt. It confirms that the approach should allow each area to build on its strengths.

Chapter 9: Promoting Sustainable Transport

- 5.3 Paragraph 102 states that transport issues should be considered from the earliest stages of plan-making and development proposals, so that potential impacts on the transport network can be addressed.

- 5.4 Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe

Chapter 15: Conserving and Enhancing the Natural Environment

- 5.5 Paragraph 180 states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Sub-paragraph (a) states that, in doing so they should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

The Development Plan

- 5.6 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that development be determined in accordance with the Development Plan unless material considerations indicate otherwise. In Camden, the adopted Development Plan consists of:

- [The London Plan – March 2021](#)
- [Camden Local Plan – Adopted July 2017](#)
- [Camden Local Plan: Policies Map – Adopted July 2017](#)

The policies considered to be of relevance to the application proposals are listed below and an assessment of the application proposals against the requirements of these policies, and other material considerations, is contained at section 6.0 of this Statement.

The London Plan – March 2021

- Policy D5: Inclusive Design
- Policy D14: Noise
- Policy E1: Offices
- Policy HC5: Supporting London's Culture and Creative Industries
- Policy HC6: Supporting the Night-Time Economy
- Policy T4: Assessing and Mitigating Transport Impacts
- T5: Cycling
- T6: Car Parking
- T6.4: Hotel and Leisure Uses Parking
- T7: Deliveries, Servicing and Construction

Camden Local Plan – Adopted July 2017

- Policy C3: Cultural and Leisure Facilities
- Policy C6: Access for All
- Policy E1: Economic Development
- Policy E2: Employment premises and sites
- Policy A1: Managing the Impact of Development
- Policy A4: Noise and Vibration
- Policy T1: Prioritising Walking, Cycling and Public Transport
- Policy T2: Parking and Car-Free Development

Other Material Considerations

Amenity CPG (January 2021)

Community Uses, Leisure Facilities and Pubs CPG (January 2021)

Access for All CPG (March 2019)

Seven Dials Estate Conservation Area Statement (1998)

6.0 Planning Considerations

Principle of Proposed Use

- 6.1 The proposed use would involve the expansion of an existing established leisure and cultural facility, facilitating the growth of this established business by providing additional theatrical performance space.
- 6.2 Policy HC5(A)(1) of the New London Plan states that development proposals should protect existing cultural venues, facilities and uses where appropriate and support the development of new cultural venues in town centres and places with good public transport connectivity. The site benefits from the highest possible PTAL level and the proposed use will ensure the long-term viability of this cultural venue. As such, Policy HC5 is complied with.
- 6.3 Policy C3 of the Camden Local Plan similarly seeks to protect the Borough's cultural offer and encourages small-scale proposals, such as is proposed, providing they do not have an adverse impact on the surrounding area or local community. The principle of the proposed use is in line with this policy and any potential adverse impacts are addressed later in this section.
- 6.4 Further to the above, paragraph 80 of the NPPF is also an important consideration for this proposal. It states that planning decisions should help create the conditions in which businesses can invest, expand and adapt, placing significant weight on the need to support economic growth and productivity, taking into account local business needs. This additional use reflects the organic growth of the business and is an important investment to secure its future. In line with national policy, the presumption must be in favour of supporting this business' growth.
- 6.5 Taking the above into consideration, it is hoped that the Council will take a positive view with regard to this proposed use, taking note of the retained and enhanced cultural venue.

Loss of Office Space

- 6.6 The floorspace proposed to be changed as a result of this application is currently under office use, albeit in-part as ancillary canteen space. The loss of such space and its potential impacts have therefore been considered.
- 6.7 Policy E1(I) of the New London Plan sets out that the redevelopment, intensification and change of use of surplus office space to other uses including housing is supported, subject to certain provisions which are not relevant in this instance. The existing office space has been deemed surplus to requirements and its positive reuse as a cultural offering should be considered acceptable.
- 6.8 Policy E2 of Camden Local Plan seeks to resist the development of business premises and sites for non-business use, unless it is demonstrated to the Council's satisfaction:

- a) *the site or building is no longer suitable for its existing business use; and*
- b) *that the possibility of retaining, reusing or redeveloping the site or building for similar or alternative type and size of business use has been fully explored over an appropriate period of time.*

- 6.9 The current circumstances and restrictions surrounding the Covid-19 pandemic have meant that more people are working from home, with elements of home-working likely to continue once restrictions are lifted. Furthermore, businesses have suffered financially as a result of the pandemic, meaning that many are looking to reduce costs to ensure survival and recovery. For both of these reasons, the demand for office space has reduced.
- 6.10 A Savills research paper titled 'City Office Market Watch' was published in February 2021, with the headline "*City vacancy rate increases as more tenant release space comes onto the market*". The paper sets out that total demand for office space fell 14% from December 2020, with supply continuing to rise. As a result, the vacancy rate is up to 8.4%, up from the 15-year average of 6.7%.
- 6.11 The business that previously occupied the office space in question have consolidated their operations into the upper floors of the building. As such, there will be no net loss of employment as a result of this change of use.
- 6.12 It is also worth noting the potential fallback uses at the site. Following the 2020 Amendment to the Use Classes Order 1987, offices now fall under Class E, along with other uses including restaurants. As these uses are now within the same class, changes between them no longer require planning permission. As such, the site in question could be changed to a restaurant, with the Council having no control over that use by way of planning conditions. The proposed use would enhance an existing cultural venue while avoiding the potential introduction of an odour and noise generating use in its place.
- 6.13 Taking all of the above into account, this proposal would facilitate the effective reuse of this redundant office space into a cultural facility that would be greatly beneficial to the area. As such, this small-scale loss of office space should be considered acceptable.

Impacts upon Amenity of Surrounding Area

- 6.14 The proposed use will introduce additional theatrical performance space at this site. As such, the potential impacts upon surrounding amenity by way of noise have been considered as part of the proposal.
- 6.15 Policy D14 of the London Plan concerns noise and seeks to ensure that developments avoid adverse impacts on health and quality of life by mitigating and minimising potential sources of noise.

- 6.16 Policy A4 of the Camden Local Plan sets out that the Council will seek to ensure that noise and vibration is controlled and managed. Planning permission will not be granted for development likely to generate unacceptable noise and vibration impacts. Permission will only be granted for noise generating development if it can be operated without causing harm to amenity.
- 6.17 The site is situated within a predominantly commercial area which, by virtue, has a higher background noise level than other places, with fewer sensitive receptors. Regardless, a Noise Impact Assessment (NIA) has been prepared by Big Sky Acoustics and accompanies the application. The NIA concludes that the proposed change of use will not result in a detrimental impact to residential amenity.
- 6.18 In reaching this conclusion, the NIA takes into account the previously approved auditoria that allow for a capacity of 118 customers, while noting that staggered performance times would ensure that patron arrivals and departures for all three auditoria do not occur concurrently. All noise from internal activity would be contained within the building envelope, with some further sound insulation treatment to be incorporated during the fit-out of the new space.
- 6.19 The proposed operating hours, as set out at section 4.3 of this Statement, align with the current license for the site which was approved by Camden Council in May 2019. These hours will facilitate a viable operation while preserving the amenity of neighbouring occupiers.
- 6.20 The proposed use is therefore considered to be acceptable on amenity grounds and compliant with The London Plan and Camden's Local Plan.

Accessibility

- 6.21 London Plan Policy D5 seeks to ensure that developments achieve inclusive design, with accessibility a major factor. Developments should be *"convenient and welcoming with no disabling barriers"* and *"be able to be entered, used and exited safely, easily and with dignity for all"*.
- 6.22 Policy C6 of the Camden Local Plan seeks to ensure access for all. Sub-paragraph (a) states that the LPA will *"expect all buildings and places to meet the highest practicable standards of accessible and inclusive design so they can be used safely, easily and with dignity by all"*.
- 6.23 Access to the proposed use will be via the entrance on Parker Street, currently used by the existing use at basement and part-ground level. This access is step-free and will remain level so as to ensure safe and inclusive access for all.
- 6.24 Furthermore, a lift will be installed internally to allow wheelchair users access from the basement to the GF, as the building has not been built to allow for wheelchair access. The current cinema operation currently has two motorized evacuation chairs, with a third to be added on the ground floor, so that in the event of a fire evacuation, wheelchair users could be helped out of the building via the entrance steps. The theatrical performance space will be a fire protected compartment.

6.25 Taking the above into account, the proposed development has considered accessibility and, in line with policy, incorporated relevant measures.

Highways and Parking

6.26 In line with paragraph 102 of the NPPF, highways and transport issues have been considered at an early stage to address any potential issues. This includes arrangements made for servicing and deliveries and parking considerations.

6.27 The site is situated within a central, pedestrianised and well-connected area, with the main clientele expected to use predominantly sustainable methods of transport such as walking or public transport. Indeed, the site benefits from the highest possible PTAL level of 6b, reflecting its proximity to frequent public transport services.

6.28 The proposed development does not include any additional parking spaces and seeks rather to encourage sustainable methods of travel such as walking, cycling and public transport. Policy T5 of the London Plan sets out cycle parking standards, with one per eight staff members and two per 30 seats required for this particular use. It is worth noting the site's location some 20m from the nearest Santander bicycle hire dock on Newton Street. With this in mind, it is not considered necessary that additional cycle parking is provided in this case.

6.29 Policy T7(H) of the London Plan seeks to ensure that development is designed and managed so that deliveries can be received outside of peak hours and in the evening or night-time. Sub-section (G) requires that development proposals should facilitate safe, clean, and efficient deliveries and servicing.

6.30 As set out in section 4.6 of this Statement, the Applicant has made arrangements for waste collection and deliveries, which covers off-peak times and early evening. In any case, deliveries and servicing for the proposed use will align with the existing operation at basement and part-ground floor, as approved in 2014.

6.31 Taking the above into consideration, the proposed use will not have any demonstrable impacts upon the existing highway network, in line with national and local policy.

Heritage Considerations

6.32 Given the site's location within Seven Dials Estate Conservation Area, due regard has been had to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that "*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that [conservation] area*".

6.33 The development proposes no external alterations and therefore the proposal would have no impact on the building's appearance, street scene or conservation area.

7.0 Conclusion

- 7.1 This Planning Statement accompanies an application to change the use of part of the ground floor at 39 Parker Street from offices (Class E(g)) to theatrical performance space (Sui Generis), in association with the existing cinema facilities at the wider site.
- 7.2 The primary issue is whether the proposed use will preserve the surrounding amenity by way of noise. A robust Noise Impact Assessment (NIA) has been undertaken and concludes that there will be no such detriment to residential amenity, by virtue of staggered operation and suggested insulation measures. As such, the development is considered to be compatible with surrounding uses and complies with relevant local and national policy.
- 7.3 The development will facilitate the investment into, and expansion of, an existing established cultural venue, with both Camden and London policies supporting such development. The loss of office space will not result in a reduction in employment and comes as a result of increased vacancy rates and a reduced requirement for such space. The principle of the change of use is therefore considered acceptable.
- 7.4 There will be no detrimental impacts upon highways and the internal nature of the proposal will preserve the character and appearance of the Conservation Area. The proposed use will be accessible for those of all physical abilities.
- 7.5 In line with section 38(6) of the Planning and Compulsory Purchase Act 2004, the proposal complies with Camden's Development Plan and other material considerations such as NPPF and supplementary guidance. The application should be approved without delay.

