

MR/P08200
23rd September 2021

London Borough of Camden
Regeneration and Planning
5 Pancras Square
London
N1C 4AG

Dear Sir/Madam

1 Fielding Court, 28 Earlham Street, London, WC2H 9LN

Flexible/alternative use of the ground floor unit for either continued office (Class E) or commercial bike store (Sui Generis) use.

Planning Portal Reference: PP-10146380

On behalf of our client Shaftesbury Covent Garden Limited, we write in support of a planning application to change the use of the ground floor of 1 Fielding Court from Class E (Commercial) to flexible/alternative use for either continued Class E (Commercial) or Sui Generis (commercial bike store) use.

In support of this application, the following documentation has been submitted via the Planning Portal:

- Application Forms – *prepared by Rolfe Judd Planning*;
 - CIL Forms – *prepared by Rolfe Judd Planning*;
- Site Location Plan – 25042 A-001-P1;
- Existing and Proposed Drawings – *prepared by Fresson & Tee Architects*;
 - Existing Ground Floor Plan – 25042 A-100-P1
 - Proposed Ground Floor Plan – 25042 A-201 P1
 - Proposed Ground Floor Layout – 25042 A-200-P1
- Supporting letter from Shaftesbury PLC;
- Supporting letter from Colliers; and
- Site Location Plan.

The requisite application fee of £462.00 has been paid via the Planning Portal.

Site Location

The application site is located within the modern 1980's mixed use building of Fielding Court; situated on the corner junction of Seven Dials, Monmouth Street and Earlham Street. The site, 1 Fielding

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Court, is located towards the rear of the building at ground floor presenting onto the narrow pedestrian passageway of Tower Court. The building comprises a ground plus four upper floors.

The application site, 1 Fielding Court, has been in Class E (Commercial) use following a land swap with 23 Monmouth Street approved in 2016 and measures approximately 35 sqm.

The unit was formerly a residential flat (known as 1 Feilding Court) but reverted to a commercial space to be used by the Seven Dials Estate Office (due to its constraint nature being undesirable to future tenants). The existing unit is small and has limited natural daylight and sunlight. Furthermore, the unit is located at ground floor and faces directly onto Tower Court (a small alleyway with limited frontage or commercial presence).

The application site is not statutorily listed, however is located within the Seven Dials Conservation Area.

Planning History

Planning permission was granted on the 3rd May 2016 for the *“Change of use of the ground floor from residential (C3) to office (B1(a)) in association with the land use swap at 23 Monmouth Street”* (reference 2015/1534/P).

Following changes to the planning use class order, an office would now fall under Use Class E (Commercial) and enable the existing unit to be used as either retail, restaurant, office, financial/professional services, indoor sports, medical and nursery uses along with “any other services which it is appropriate to provide in a commercial, business or service locality”. The unit therefore has a lawful Class E (Commercial) use.

Proposal

Shaftesbury is a major landholder in the Seven Dials Estate, having grown a wide portfolio of both commercial and residential tenants. The unit at 1 Fielding Court has previously been used as the Seven Dials Estate Management Offices, however this use has now been relocated to other former vacant offices at 48 Monmouth Street.

The existing unit at 1 Fielding Court, as demonstrated by the submitted letter from Colliers, is not an attractive unit for potential commercial tenants. The unit has poor outlook and daylight, with direct access onto Tower Court and a pub opposite. Shaftesbury are therefore seeking to make the best use of the vacant unit to provide a communal bike store for the commercial tenants of the estate.

The existing buildings across the estate do not benefit from the usual amenities provided by competitive office providers in Central London – such as dedicated, safe and secure cycle storage. To support the growing demands of the estate’s commercial tenants, the proposal seeks to facilitate a high quality, central bike store to serve the wider Seven Dials Estate.

As such, this application seeks a flexible/alternative continued Class E (Commercial) or bike store (Sui Generis) use for a period of 10 years.

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Specialist cycle store consultants, Five at Heart, have been consulted on the fit out of the new space. Five at Heart have considerable global experience in providing and delivering bespoke and high-quality designed spaces for bike storage and associated facilities in the commercial sector.

As demonstrated on the indicative design layout, the proposed fit out would deliver existing and future commercial tenants in Seven Dials with the following additional services (subject to final design):

- Approximately 26 cycle storage bays;
- 2 showers; and
- Safe and secure cycle parking.

It is conformed that access would be granted to commercial tenants across the estate by electronic fob and be carefully managed on a first-come-first-serve basis.

For the avoidance of doubt, no external alterations are proposed to the property; the application solely seeks to ensure flexibility in the uses of the ground floor unit.

Design & Access Statement

As confirmed within Article 4C of the Town and Country Planning (Development Management Procedure) (England) Order 2015, a Design and Access Statement is not required for a material change of use of land of buildings unless it also involves operational development. This application solely seeks the dual/flexible use of the ground floor; no external works are proposed and therefore a Design and Access Statement is not required in this instance.

Planning Considerations

Protection of Office Floorspace

The application seeks the dual/flexible use of the site for either continued office (Class E) use or as a commercial cycle store (Sui Generis) for the surrounding office tenants.

Camden seeks to protect existing office floorspace in the Central Activities Zone (CAZ). Policy E2 (Employment premises and sites) states that the Council will resist development of business premises and sites for non-business use, unless it is demonstrated the site or building is no longer suitable for its existing business use, and the possibility of retaining the building for similar business use has been fully explored.

Camden's Employment Sites & Business Premises CPG (2021) states that when assessing proposals that involve the loss of a business use, the Council will take a holistic view, taking into account various factors including the suitability of the location for business use, how the business use is related to other neighbouring/nearby land uses, and whether the nature of the space is considered to have the potential to offer equal or greater benefits to local people or businesses than the existing space. Paragraph 14 of the CPG states that a number of other non-employment uses have been identified as important in Camden as they support these growth sectors. Paragraph 54 states that "in exceptional circumstances the Council may agree that change of use is acceptable".

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The proposed flexible use is considered acceptable in the context of Policy E2 and the CPG for the following reasons:

- The proposal seeks consent for a flexible/dual Class E (Commercial) or Sui Generis (cycle store) use. This would protect the existing office floorspace should the proposed cycle store not be brought forward, or it is not required in the future;
- The proposed commercial cycle store will be an ancillary use to the wider businesses across the Seven Dials Estates – providing existing commercial tenants and employees with secure and good quality cycle storage for employees;
- Having consideration of units suitability and location, the unit itself is poorly suited to a commercial office tenant (previously being used by the Estate Security Team and front of house for contractors) being undersized (35 sqm) and having limited natural daylight owing to its ground floor location and facing directly onto Tower Court which itself is not a prominent frontage. Commercial agents Colliers have provided a letter of support demonstrating the lack of desirability such a unit would have to prospective tenants and the wider benefits of a dedicated cycle store would provide those existing tenants across the estate;
- In accordance with the CPG (2021), the proposal will support surrounding business uses by providing a central cycle store for those existing commercial tenants within the Seven Dials Estate. Many of the office units in the Seven Dials Estate are on the upper floors of historic buildings and therefore do not have suitable facilities for cycle storage;
- The proposal will promote and encourage sustainable forms of transport for commercial tenants working across Seven Dials Estate, providing facilities for the storage of up to 26 cycles;
- Following changes to the planning use class system, an office would now fall under Use Class E (Commercial), including retail, restaurant, office, financial/professional services, indoor sports, medical and nursery uses along with “any other services which it is appropriate to provide in a commercial, business or service locality”. The unit therefore has a lawful Class E (Commercial) use and could change to any other use within Class E without the benefit of planning permission, resulting in a loss of office (formerly B1a) floorspace.

In consideration of the above, the proposal will provide significant benefits to the commercial tenants in the Seven Dials Estate, as well as the wider public benefits of encouraging sustainable travel. The unit is small and is not an attractive commercial unit which would be suitable to most businesses within the locality. It is considered therefore the potential loss of 35 sqm of commercial floorspace is significantly outweighed by the provision of good quality cycle storage facilities for those existing commercial tenants.

Transport

The NPPF sets out the government’s transport objectives under Paragraph 104 and 105, stating that development and the planning system should actively identify and pursue opportunities to promote walking, cycling and public transport use.

London Plan 2021 Policy T5 (Cycling) states that development proposals should help remove barriers to cycling and create healthy environments in which people choose to cycle. This should be achieved through securing the provision of appropriate levels of cycle parking, which is fit for purpose, secure and well-located.

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Policy T1 (Prioritising walking, cycling and public transport) states the Council will promote sustainable transport by prioritising walking and cycling in the borough. With regards to cycling, the Council will seek to ensure that development provides for accessible, secure cycle parking facilities. The Council will ensure that development makes provision for high quality facilities that promote cycle usage including changing rooms, showers, dryers and lockers.

Over Shaftesbury's long history of maintaining and developing public realm within the Seven Dials Estate, the needs of commercial tenants have changed, with an increasing desire for cycle storage and changing facilities which has become paramount following the Covid-19 pandemic and increasing awareness surrounding both mental and physical health. The location and current vacancy of the unit at 1 Fielding Court presents an excellent opportunity to provide for a high quality, dedicated cycle store to support commercial tenants in the wider Seven Dials Estate. Further benefits for the borough would include:

- The promotion of a sustainable and active travel scheme for employees within the borough;
- The promotion of green travel measures which helps reduce reliance of employees on car travel, thereby reducing local congestion and improving air quality;
- The promotion of exercise as part of a healthy and active lifestyle within the estate.

The provision of approximately 26 cycle parking spaces for commercial tenants (offices) would therefore service approximately 1,950 sqm (1 space per 75 sqm) of floorspace across the Estate (having regards to London Plan cycle standards).

The proposal will therefore encourage sustainable modes of transport in accordance with Policy T1 and Policy T5. The provision of a central cycle store is strongly encouraged in the context of local and regional planning policy and in the wake of the Covid-19 pandemic.

The proposal further supports other borough transport schemes and sustainable initiatives, including:

- *"Covid-19 Safe Travel in Camden: Seven Dials Scheme (July 2020)"* – builds upon the success of the recent covid-19 measures introduced by the Council (in partnership with Shaftesbury) to enable local businesses to thrive alongside suitable social distancing measures whilst further improving safety for walking and cycling. The cabinet report underlined that the measures proposed would support the objectives of 'Our Camden' Plan by creating sustainable places and making it easier for people to travel more by foot or bike.
- *"Camden Transport Strategy 2019-2041 (April 2019)"* – the proposal would support the delivery of the Council's identified key transport objectives, namely, objective 1, to increase cycling; objective 2, to reduce car ownership, and objective 5, to reduce the impact of transport-based emissions. The proposal to deliver a dedicated cycle storage for commercial tenants working across the Seven Dials Estate will assist with the key objective of the Camden Transport Strategy (CTS) to improve cycling facilities for those living, visiting, and working in the Borough.
- *"Our Camden Plan"* – sets out the objectives of the Council and in response to the Camden 2025 vision. The Council state that "We will create environments across the borough that make it easier to make healthy choices and take part in physical activity, such as walking and cycling". The proposal will help to deliver this objective.

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- “*Camden Climate Action Plan 2020-2025*” – the Climate Action Plan was produced to help the borough reduce its carbon emissions. Amongst its recommendations, the report is clear that the Council should encourage healthier travel options such as walking and cycling, which also bring public health benefits.
- “*Try-A-Bike*” Loans – promoting the use and exploration of bikes for Camden’s residents in order to maximise bike usage across the borough. The proposal would allow opportunities for those wishing to cycle into work across the Seven Dials Estate to do so with the relevant facilities (e.g., secure storage and showers).

Summary

We therefore consider the proposal for a continued Commercial (Class E) and cycle store (Sui Generis) use to be supported and encouraged by planning policy and remain acceptable within this property.

The property is not an attractive commercial unit for prospective tenants as confirmed by agents Colliers. However, our client seeks to retain maximum flexibility of the premises to ensure they can be swiftly let to future tenants should an occupier come forward. The proposed dual/alternative commercial or cycle store use accords with local planning policy, encouraging sustainable methods of transport and supporting nearby businesses, whilst providing a bespoke solution to the lack of available cycle storage in the area for commercial tenants.

We trust therefore that you will feel able to give this proposal positive consideration and look forward to hearing from you shortly. Please do not hesitate to contact us should you require any further information.

Yours faithfully

Mark Rathue

For and on behalf of
Rolfe Judd Planning Limited