

*Planning Statement*

# *164 Shaftesbury Avenue, London, WC2H 8HL*

**On behalf of Daejan Investments Ltd.**

May 2022



## Planning Statement

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## 1. Introduction

This Planning Statement has been prepared by Jones Lang LaSalle ('JLL') on behalf of Daejan Investments Ltd ('the Applicant') to support an application for proposed works at 164 Shaftesbury Avenue, herein known as the "Site".

The Site is located within the administrative boundary of the London Borough of Camden ('Camden'), within the ward of Holborn and Covent Garden.

This Planning Statement is submitted in support of the application and must be considered alongside the other documents, set out below, forming and supporting the planning application.

### 1.1 Description of Development

This application seeks Full Planning Permission for the following development:

*"Erection of two-storey infill extension at ground and first floor and single-storey extension at fifth floor on the corner of Shaftesbury Avenue and Mercer Street, external alterations including relocation of main entrance from Shaftesbury Avenue to Mercer Street, replacement gates on Mercer Street, replacement of three terraces fronting Mercer Street with one at fifth floor level, erection of new roof terrace at sixth floor level, and replacement glazing and cladding at ground to fifth floor levels, and overhaul of building services including a new lift overrun and replacement and installation of plant."*

### Format of Submission

The application is formed and supported by the following documents:

Document	Author
Covering Letter	JLL
Planning Application Form	JLL
Certificates of Ownership	JLL
CIL Form	JLL
Site Location Plan at 1:1250 and Block Plan at 1:500	Child Graddon Lewis
Drawings & Schedule	Child Graddon Lewis
Design and Access Statement	Child Graddon Lewis
Planning Statement	JLL
Heritage Statement	KM Heritage
Acoustic Report	Clarke Saunders
Draft Construction Management Plan	RPM
Sustainability Statement	JLL
CGIs	Brick Visual



## 2. *The Site and Surroundings*

This section describes the Site and surroundings to set the context for the development proposals.

### 2.1 Site Description

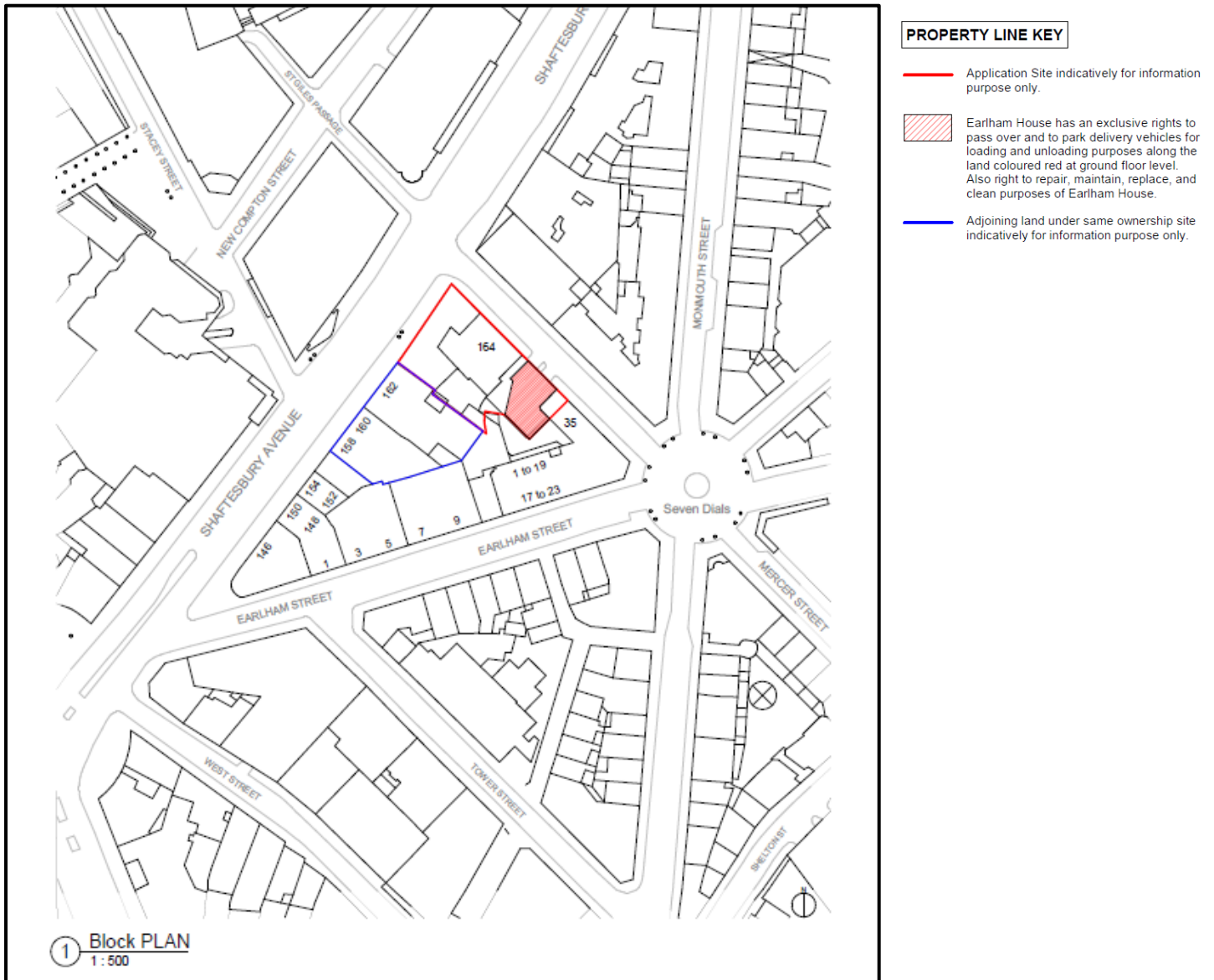
164 Shaftesbury Avenue is an unlisted office building located on the corner between Shaftesbury Avenue and Mercer Street, comprising basement, ground and six upper storeys (see **Figure 1** and **Figure 2**). The building sits on the perimeter edge of Seven Dials and is located within the Seven Dials Conservation Area. While unlisted, the building lies within close proximity of other listed buildings, including the grade II listed Odeon Cinema directly opposite on Shaftesbury Avenue (nos. 135-149), and a number of listed buildings to the west on Earlham Street and Monmouth Street.



**Figure 1:** Aerial view of the Site

The building was constructed in 1975 as part of a demolition and redevelopment scheme to create Earlham House, for use as shops, offices, and residential purposes. Earlham House altogether comprises 164 Shaftesbury Avenue, 1-19 and 17-23 Earlham Street, and 35 Mercer Street. Earlham House has been specifically mentioned in Camden's Seven Dials Conservation Area Statement for being an exception to the '*distinctive quality of Seven Dials*' whereby it has a '*particularly damaging impact at street level on Mercer Street at the entrance to the basement car park*'. Earlham House has consequently been listed in the Conservation Area statement as a recent development that does **not** enhance the character and appearance of the area and is subsequently a negative feature.

The building has been vacant since August 2021; before this, the building was occupied in entirety by one single occupier for more than six months. The building has a lawful Class E use, formerly used as commercial offices, with ancillary storage, parking, and M&E in the basement.



**Figure 2:** Site Location Plan

The building is in a poor and tired state given the building was last refurbished in 2008. The refurbishment did not replace the building's services at this time, and so they are very much at the end of their life span and are contributing to the building's poor performance and inefficient energy usage.

The building's overall layout is undesirable for modern office occupier demand due to its lack of openness, sufficient natural daylight, and unimpeded access at each floor level: the floor plates are unevenly levelled when arriving to an upper-storey from the lift. Instead, occupiers arrive from the lift and are immediately presented with a balustrade and ramp in order to arrive at the prevailing higher floor level; the occupiers cannot seamlessly exit the lift step-free and walk ahead on the floorplate unimpeded. The buildings short windows also limit the amount of natural daylight coming into the office floorplates, which is worsened by deep floorplates that are predominantly north-facing.

The ground floor office reception is poorly lit and cluttered. For example, upon entering the building, occupants are immediately welcomed by tall security sensors and barriers, creating a physically disconnected and unwelcoming space. The existing outdoor terraces at fifth floor level are currently very disconnected which prevents engagement between office workers. The spaces are also small which are not welcoming or attractive for use. In the basement, there lacks high-quality well-serviced cycle storage and changing facilities, that are properly laid out and individually designated. There is also existing office floorspace at basement level, which is compromised in space, does not connect well to the remainder of the building, and receives no natural daylight.

On the basis of the above, 164 Shaftesbury Avenue is in much need of refurbishment and upgrading, including the provision of new servicing and M&E equipment, improved daylighting, level access and cycle storage.

### Surrounding Context

The Site has a predominantly commercial and mixed-use character. The immediate vicinity on Shaftesbury Avenue comprises mostly either entire office buildings (e.g., 125 and 158-162 Shaftesbury Avenue) or retail and food and beverage at street level and offices on the upper floors. South of the site is Seven Dials, forming the north west corner of Covent Garden, which are both considerable hubs of commercial activity, characterised by an array of food, beverage, and retail premises (the latter including international flagship stores and grooming and beauty boutiques). Exceptions to this include the Odeon Cinema opposite the Site on Shaftesbury Avenue, a church adjacent on Shaftesbury Avenue, and a hotel to the rear of the Site on Mercer Street.

Some residential properties are also located within the vicinity of the Site, the nearest being some residential flats at 152 Shaftesbury Avenue to the west, apartments in Earlam House adjoining the Site to the south east, and flats on 9 Earlam Street to the south. The windows overlooking the Site from Earlam House do not serve habitable rooms, with deck access provided on Earlam Street.

The Site has excellent public transport links and has a public transport accessibility level (PTAL) rating of 6b 'Excellent' (6b being the highest score). It is within a five-minute walking distance to Covent Garden and Leicester Square tube stations to the south, and within a 10-minute walk to Tottenham Court Road tube



station to the north. The Site is also within a short walking distance of a number of bus links, including on Shaftesbury Avenue and Charing Cross Road.

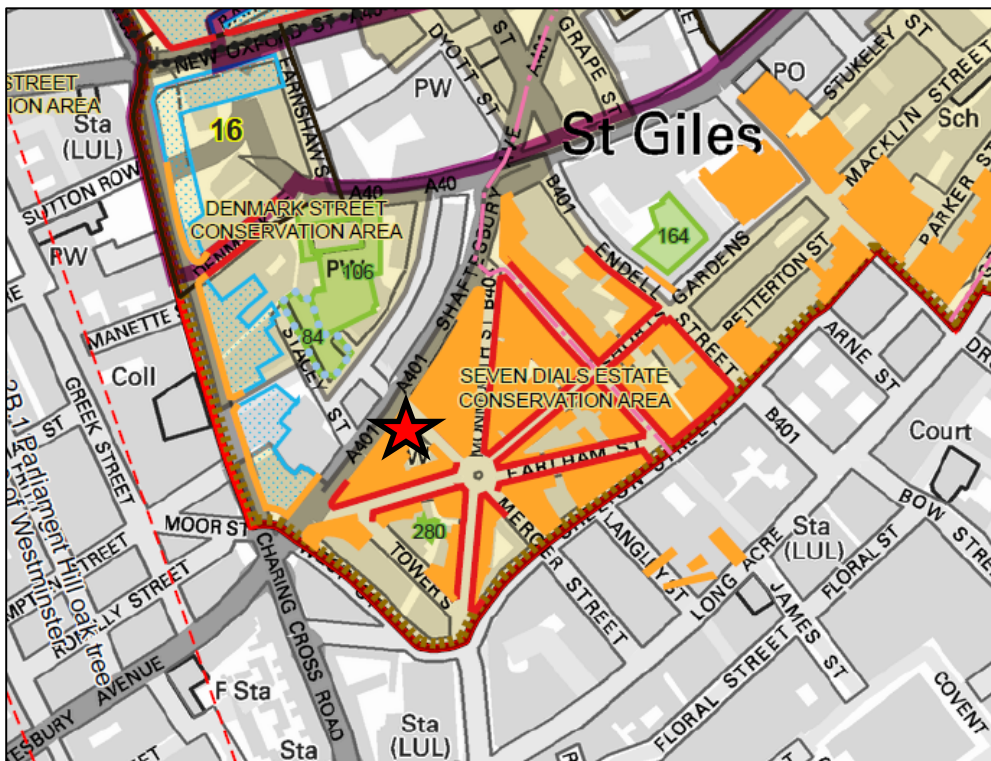
The Site is not within a flood risk area, falling within Flood Zone 1.

## 2.2 Planning Policy Designations

As per Camden's Policies Map (August 2021), the Site is within the following designations:

- Central London Area (elsewhere known as the Central Activities Zone 'CAZ')
- Seven Dials Conservation Area
- Secondary Protected Frontage
- Tier 1 Archaeological Priority Area (1.2 Lundenwic)

**Figure 3** provides an extract of the policy map in relation to the Site.



**Figure 3:** The Site's policy designations as per Camden's Policies Map August 2021. (Site depicted as red star).

### 3. Planning History

Camden's online statutory planning history register presents the following historic records for the Site.

The Site has a long planning history, dating back to as early as 1960. Permission was granted in the 1970s for the complete demolition of 164 Shaftesbury Avenue, along with 15-27 Earlham Street, and 33-43 Mercer Street, for the erection of new buildings for use as shops, offices, and residential purposes. Permission for the iron railings and gates to enclose the rear courtyard space was granted in December 1993.

An extension at fifth floor level to the south was originally refused and dismissed at appeal in the late 1990s for reasons of loss of light and outlook for adjoining neighbouring properties. This was overcome in 2005 following discussions with officers, feasibility proposals, and a sunlight and daylight assessment to satisfy that there would be no detrimental impact. The developments permitted in November and December 2005 have largely been carried out, with the exception of the tall stair riser at fifth floor level on the Mercer Street frontage, which has not been built-out as per the approved plans.

Reference Number	Proposal	Date
2021/5339/P	Installation of electronic communications equipment on rooftop comprising 6 x antennas and 2 x dishes on tripod structures, fixed to steel grillage and plinth on plant room roof, and ancillary works.	Not yet determined.
2005/4784/P	The erection of a roof extension at 5th floor level to the Mercer Street frontage to the existing office use (Class B1) and installation of new plant at 6th floor roof level.	Permitted 16 December 2005
2005/4782/P	The erection of a five storey rear extension at second to sixth floor levels to the existing office building (Class B1 use) together with the installation of additional roof plant, a safety rail and new duct at 6th floor level.	Permitted 16 December 2005
2005/3664/P	Extension of ground and first floor to accommodate a new lobby on the Shaftesbury Avenue elevation and new offices and change of use of part of the ground floor and basement from office use (Class B1) to a flexible use as retail (Class A1), financial/professional services (Class A2), or office (Class B1).	Permitted 02 November 2005
2005/3663/P	Additions and extension at 5th floor level to provide office space and installation of new plant adjacent to existing plant at rooftop level.	Withdrawn
2005/3668/P	Extension of southwest corner of existing office building (Class B1 use) from 2nd floor to 6th floor.	Withdrawn
9502079R1	Retention of a kitchen extract duct from basement to roof level at the rear, as shown on drawing numbers 3403/01, /2 and /03.	Permitted 28 November 1996
P9602675	Retention of external glazed canopy to entrance undercroft, as shown on drawing numbers, 3428/C, 1 & 2.	Permitted 17 October 1996
C9602676	Removal of existing canopy, as shown on drawing numbers 3428/C, 1, & 2	Permitted Conservation Area Consent 17 October 1996
P9600209	Addition of windows to rear elevation of new extension under construction, as shown on drawing number 1365/001G, /002G, /018 and /SK6.	Permitted 03 May 1996
9502081	The erection of an extension at fifth floor level for office use, as shown on drawing number 3403/02	Refused 07 November 1996



		Appeal Dismissed (Refused on grounds of light obstruction and loss of outlook to the adjoining properties to the detriment of their amenity).
9502080	Change of use of part of the basement from car park to ancillary office use, as shown on drawing numbers 3403/01, /03, and 20723/L.	Granted 04 October 1996
9502079	Installation of a new kitchen extract duct.	Withdrawn following revisions received 12 November 1996
9501336	The erection of a ground and first floor infill extension to provide further office floorspace as shown on drawing numbers 1365/001A 002A 003A 004A & 005 A.	Granted 19 October 1995
9301396	The erection of iron railings and gates to enclose the courtyard area as shown on drawing numbers 1157/C/1A 1157/D/3A 1157/D/4A 1157/D/5A 1157/D/6A	Granted 17 December 1993
9000192	The erection of a ground floor extension/infill of existing building to provide an enlarged entrance hall gallery exhibition area as part of the offices above as shown on drawing numbers S474/01 03 04 05 06 07 08 & 09.	Granted 09 August 1990
8601934	The erection of a glazed solarium on the fifth floor roof for use in connection with the sixth floor residential flat as shown in drawing number 4000/10A 11 & 14 revised by letter dated 5 <sup>th</sup> December 1986.	Granted 18 December 1986
28693	Amended car parking layout at basement level, increasing the number by 8 to a total of 62.	Granted 13 July 1979
28692	The use of 43,000 sq. ft. gross floorspace at basement level for storage accommodation, ancillary to the post office occupation of the building.	Granted 31 July 1979
25350	The use of the ground floor of No. 23 Earlham Street and basements of Nos. 19 and 21 Earlham Street as a restaurant.	Refused 10 October 1977 (Refused on grounds of loss of shopping accommodation, contrary to policy, which would prejudice the retail activity of the area; and the proposed restaurant would be detrimental to the amenity of the upper floor residential units)
AD582	The display of two sign boards measuring 8'0" x 3'0" (2.43m by .91m) fixed approximately 8'0" (2.43m) above ground level, one on the Shaftesbury Avenue frontage and one on the Seven Dials frontage, externally floodlit.	Permitted 27 June 1977
HB972	Demolition of Nos. 164 Shaftesbury Avenue, 15 - 27 Earlham Street, and 33 - 43 Mercer Street, WC2.	Permitted 25 April 1975
48931	The erection of a new building for shops, offices and residential use at Nos. 164 Shaftesbury Avenue, 15-27 Earlham Street, and 33-43 Mercer Street	Permitted 25 March 1974
17597	The erection of a new building for shops, offices and residential use at Nos. 164 Shaftesbury Avenue, 15-27 Earlham Street, and 33-43 Mercer Street	Permitted 25 March 1974
27724	The use of a store room for repair and testing of musical instruments and the front and centre parts of the ground floor as shop, showcase, offices and repair and maintenance of musical instruments.	Permitted 15 March 1951
31/08/1960	The use for a limited period of one ground floor rear room, facing Mercer Street and two basement rooms under at No. 164 Shaftesbury Avenue, Holborn, for the purposes of making educational cine film and recording commentaries.	Permitted 04 October 1960.

## 4. *The Proposed Development*

This application seeks full planning permission for the following development:

*“Erection of two-storey infill extension at ground and first floor and single-storey extension at fifth floor on the corner of Shaftesbury Avenue and Mercer Street, external alterations including relocation of main entrance from Shaftesbury Avenue to Mercer Street, replacement gates on Mercer Street, replacement of three terraces fronting Mercer Street with one at fifth floor level, erection of new roof terrace at sixth floor level, and replacement glazing and cladding at ground to fifth floor levels, and overhaul of building services including a new lift overrun and replacement and installation of plant.”*

### 4.1 The Proposals

A comprehensive refurbishment of the building was last carried out in 2007-08, and therefore the building is in much need of improvement to its internal floor layouts and fittings in order to bring it to modern standards and requirements, as well as external alterations to improve its appearance and functionality. Overall, the proposals seek to extensively refurbish the building for the continued use of the building as offices and some ancillary retail at ground floor level (all falling within Planning use Class E).

Internal alterations and reconfiguration are sought to improve the function and aesthetic of the building. For example, to increase floor-to-ceiling heights to bring the building in line with modern standards, open up the floorplates to provide flexible spaces and break-out spaces and provide a consolidated building core that shall accommodate new larger lifts, a larger staircase, and accessible toilets. All existing M&E equipment in the building is out of date and not to standard—the equipment was last refurbished, not replaced, in the 2007-8 refurbishment—and so it is proposed to consolidate and replace this with new M&E equipment in designated spaces in the basement and at roof level.

At basement level, it is proposed to reduce the number of existing car parking spaces from six spaces to two. One of the spaces will be suitable for EV charging and the other shall be suited for disabled parking. With regards to cycle parking, it is proposed to considerably increase the quantum of cycle spaces from 13 spaces to 48 spaces, which would exceed the London Plan (2021), BREEAM, WELL and BCO requirements. In addition, it is proposed to provide 10 showers, 42 lockers and 4 drying stations. One of the 46 cycle spaces will be a ‘non-typical’ cycle space in line with the London Plan to accommodate other needs such as handcycles, tricycles and tandems. The remaining areas in the basement will accommodate plant, M&E equipment, and staff toilets and changing/shower facilities.

At ground floor level, the space will be arranged around a central lift and stair core with accessible toilets. The space is broken down into two primary functions: a main reception area to the north east, and a tenant break out/ meeting space to the south and south west. At this level, it is proposed to infill the existing entrance recess on Shaftesbury Avenue, and create a double height void in this space to first floor level. The existing entrance shall be relocated to the centre of the building frontage on Mercer Street with a turn-

style door. A secondary, single-opening door is positioned further to the east of this main entrance as secondary entrance point. The supporting design and access statement identifies that the former building on the Site used to have its entrance on Mercer Street.

A small mezzanine floor is proposed above ground floor level to accommodate storage space, serviced by the main stair core.

The first-fourth floor levels share a similar floorplate layout, with the exception of the void at first floor level. The entire floorplate is arranged around a single central stair and lift core with toilets, including disable toilet access. A secondary stair is located at the far eastern-end of the building, connecting the floors from first to sixth floor level. The new stair and lift core does rise to fifth and sixth floor level.

At fifth floor level, three existing terraces are proposed to be consolidated into one longer terrace that wraps around the façade of the building. There will be a small extension to the building floorplate at this level on Shaftesbury Avenue, whereby the floorplate shall project forward slightly.

At sixth floor level, it is proposed to create a new private amenity terrace for the offices in addition to the one already existing at this level. The existing secondary stairway to the rear of the building at fifth floor level will be extended to sixth floor with a new lightweight metal railing to provide access to the new outdoor space. The proposed stair extension would not include a new stair enclosure, so as to not be visible from street level. However, the staircase will be compliant with building and fire regulations (e.g., heat tracing will be integrated to ensure trip and slip hazards are avoided during adverse weather conditions).

Seven new PV panels are proposed at main roof level, positioned upon the ductwork.

It is proposed to provide new glazing and cladding at ground to fifth floor levels on the corner return elevation between Mercer Street and Shaftesbury Avenue to improve the appearance of the building, as well as its performance and energy efficiency. Whilst the existing red-brick will be retained (incorporating dark grey pointing), it is proposed to introduce new dark grey metal cladding between the vertical bays with dark grey metal lining. Textured spandrel panels with louvres are proposed horizontally between each storey. A dark grey metal gate with detailed design is proposed to replace the existing gated railings on Mercer Street.

#### 4.11 Area Schedule

**Table 4.01** presents the overall area schedule of the Site. There will be a net GIA uplift of + 50 sqm and net GEA uplift of +52sqm.

**Table 4.01:** Building uses and existing and proposed floorspace schedule (GIA sqm)

Floor level	Existing GIA (sqm)	Proposed GIA (sqm)	+/- GIA (sqm)	Existing GEA (sqm)	Proposed GEA (sqm)	+/- GEA (sqm)
Basement	800	800	0	880	880	0
Ground	354	382	+28	376	396	+20
First floor	481	486	+5	527	544	+17
Second floor	511	511	0	562	563	+1
Third floor	511	511	0	562	563	+1
Fourth floor	489	485	-4	538	539	+1
Fifth floor	405	421	+16	443	455	+12
Sixth floor	245	250	+5	270	270	0
Roof	31	31	0	35	35	0
<b>Total</b>	<b>3827</b>	<b>3877</b>	<b>+50</b>	<b>4193</b>	<b>4245</b>	<b>+52</b>

#### 4.12 Access

Main access to the building will be via the new entrances on Mercer Street, comprising one turn-style entrance and one single entrance.

Secondary access is achievable via the gates on Mercer Street, to a vehicle ramp leading down to the basement.

All doors will have step-free access and be automated to comply with Part M requirements. Suitable door handles and openings for people with limited manual dexterity will be provided.

#### 4.13 Parking

Two car spaces will be provided in the basement, accessible from the ramp behind the gated entrance on Mercer Street.

A total of 46 cycle spaces will be provided within the basement also and separated into two zones. One larger zone, will accommodate 36 long-stay cycle spaces, made up of 25 wall-mounted racks, 5 Sheffield



stands, an area for scooters, and 1 non-typical space. The smaller zone will accommodate 10-short stay spaces, comprised of 6 wall-mounted racks and 4 free-standing bike racks. A bike repair and maintenance station, and showers (male and female), drying space, and lockers are also provided within the basement.

#### **4.14 Waste Storage**

A refuse store is located at basement level and accessed via the ramp from street level, or via the lifts from the upper floors. Both general and recycling containers will be accommodated within the store which shall accommodate a total of 5 x 1100L Eurobins, bringing the building up to current standards.

## 5. *Planning Policy Context*

This section provides an overview of national, regional, and local policies and other material considerations against which the planning application will be assessed.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals are determined in accordance with the statutory Development Plan unless material considerations indicate otherwise. Where there is a difference in policy, Section 38(5) requires that the most recently adopted policy takes precedence.

The Statutory Development Plan for Camden comprises the following:

- The London Plan (adopted March 2021)
- Camden Local Plan (Adopted 3<sup>rd</sup> July 2017)

Alongside this, Camden is under a legal duty to have regard to all material considerations. This includes the Government's National Planning Policy Framework ('NPPF') which was published in 2019 but recently updated in July 2021, National Planning Practice Guidance (NPPG) (June 2021) and the requirements of relevant Circulars. This also includes Supplementary Planning Guidance and Documents (SPGs and SPDs) produced by the Greater London Authority ('GLA') and Camden. Of relevance is the Seven Dials Estate Conservation Area Statement adopted in 1998.

### **5.1 London Plan (2021) Relevant Policies**

The London Plan is the spatial development strategy for Greater London. It sets out an integrated economic, environmental, transport and social framework for the development of London over the next 20-25 years. The Chapters considered most relevant to the proposals are Chapters 1, 3, 7, and 10.

#### *Planning London's Future—Good Growth*

Policy GG1 emphasises the importance of inclusive growth which comprises openness, diversity, and equality and that these principles must be designed into places and developments early on, including early on in the engagement part of the planning process early on. The Chapter also recognises the importance of health and wellbeing and reducing health inequalities, as well as London's role in tackling and mitigating Climate Change. To achieve these ambitions, Policy GG2 of the Chapter promotes sustainable mixed-use places which requires development, for example, to make the best use of land; prioritise sites which are well-connected to existing or planned public transport; and apply a design-led approach to optimise sites. The Policy also supports the intensification of the use of land where it is well-connected to jobs, services, infrastructure, and amenities by public transport, walking and cycling. This ties in with the objectives of Policy GG6, which require development to improve energy efficiency and move towards a low carbon circular economy. Policy GG3 seeks to, for example, improve London's air quality and access to quality green and open spaces; ensure that buildings are appropriately ventilated and heated; and recognises the importance of mental health just as much as the physical. Lastly, Policy GG5 seeks to

conserve and enhance London's global economic competitiveness and ensure fair distribution of its economic success with all Londoners, such as by promoting the diversification of London's economy; promoting its rich heritage and cultural assets, including its role as a 24-hour city; and making the most of London's public transport, cycle, and walking networks.

### *Design*

Policy D3 requires development to make the best use of land by following a design-led approach. Similarly, Policy D4 requires the delivery of good design. As such, these policies require development to positively respond to a site's layout and form, quality and character, and experience. This includes ensuring that developments are high-quality, safe & secure, sustainable, well-connected and maximise opportunities for urban greening, for example. Policy D5 requires development proposals to achieve the highest standards of accessible and inclusive design. For example, by designing high quality spaces that facilitate and encourage social interaction and inclusion and are easily accessible to all. This policy includes the careful consideration of emergency evacuation measures. For example, any proposals where lifts are installed, at least one must be suitable as a fire evacuation lift. Policy D14 requires development proposals to reduce, manage and mitigate noise to improve health and quality of life.

### *Heritage and Culture*

Policy HC1 requires that development proposals affecting heritage assets and their settings should conserve their significance by being sympathetic to the assets' significance and appreciation within their surroundings.

### *Transport*

Policy T1 outlines the Mayor's strategic approach to transport whereby 80% of all trips in London are to be made by foot, cycle, or public transport by 2041. Subsequently, all development is expected to make the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking, and cycling routes.

Policy T2 focuses on the Mayor's 'Healthy Streets' ambition whereby development should reduce the dominance of vehicles—stationary or moving—, should be permeable by foot and cycle and connect to local walking and cycling networks and public transport. The Policy refers to the ten Healthy Streets Indicators in line with TfL which development proposals are expected to demonstrate they adhere to.

Policy T4 requires developments to integrate with current and planned transport access, capacity, and connectivity.

Policy T5 encourages developments to remove barriers to cycling and to positively contribute to an environment in which people choose to cycle. This is to be supported by the appropriate provision of cycle parking and facilities to which standards apply.

In line with the Mayor's strategic transport approach and Healthy Streets initiative, Policy T6 restricts car parking in line with levels of existing and future public transport accessibility and connectivity. Car-free development is expected to be the starting point for all development that is well-connected to public transport. Additionally, the Policy requires adequate provision to be made for efficient deliveries and servicing and emergency access.

## 5.2 Camden Local Plan (2017) Relevant Policies

Chapters 5 (Economy and jobs), 6 (Protecting amenity), 7 (Design and Heritage), 8 (Sustainability and climate change), and 10 (Transport) are considered relevant to the proposals.

### *Economy and jobs*

Policy E1 'Economic Development' of the Plan seeks to facilitate creating the conditions for economic growth and harnessing the benefits for local residents and businesses in the borough.

### *Protecting amenity*

Policy A1 'Managing the impact of development' seeks to protect the quality of life of occupiers and neighbours. Therefore, development may be resisted where it causes unacceptable harm to amenity. The policy considers impacts including visual privacy, outlook, sunlight, daylight and overshadowing, and noise and vibration levels. In regard to noise, where development that is likely to generate noise is proposed, the Council will require an acoustic report to accompany the application.

Policy A4 'Noise and Vibration' outlines that development should have regard to Camden's Noise and Vibration Thresholds (Appendix 3) and that permission will be refused when development is likely to generate unacceptable noise and vibration impacts, or development sensitive to noise is placed in areas with high noise levels without appropriate attenuation measures proposed to be put in place and would not harm the continued operation of existing uses.

### *Design and Heritage*

Policy D1 'Design' seeks to secure high quality design in development. As such, development should respect the local context and character, preserve, or enhance the historic environment or heritage assets, should be sustainable and durable, comprise material that are of high quality, and is inclusive and accessible for all, for example.

Policy D2 'Heritage' states that the Council will preserve and, where appropriate, enhance Camden's heritage assets and their settings, including conservation areas and listed buildings. In line with the NPPF, the Council does not permit the loss or substantial harm to designated heritage assets, unless it can be demonstrated that such harm is necessary to achieve substantial public benefits to outweigh such harm or loss. Additionally, the Policy requires development within conservation areas to enhance it wherever possible and states that the Council will consider conservation area statements, appraisals and management strategies when assessing applications within conservation areas.



### *Sustainability and climate change*

Policy CC1 'Climate change mitigation' requires all development to minimise the effects of climate change and encourages developments to meet the highest feasible environmental standards that are financially viable during construction and occupation. Consequently, the Policy promotes zero carbon development and shall require all developments to reduce CO2 emissions by following the energy hierarchy. The Policy also supports and encourages sensitive energy efficiency improvements to existing buildings.

Policy CC2 'Adapting to climate change' requires that developments are designed to be resilient to climate change, such as protecting and introducing appropriate green infrastructure, reducing surface water run-off, and introducing SuDS, incorporating green and blue roofs, and reducing overheating (i.e., by following the cooling hierarchy). Introducing these measures cannot only assist the Site to become more resilient to future climates, but the area more locally, such as by helping to remove carbon dioxide from the atmosphere and reducing the amount of run-off reaching local rivers. The Policy also promotes more sustainable design and construction. For example, expecting non-domestic developments of 500sqm of floorspace or above to achieve BREEAM 'excellent' and encouraging zero carbon in new development from 2019.

### *Transport*

Policy T1 'Prioritising walking, cycling and public transport' promotes sustainable transport by prioritising walking, cycling, and public transport in the borough. For example, the Policy encourages developments to provide for accessible, secure cycle parking facilities exceeding minimum standards outlined within the London Plan and the Council's supplementary planning document Camden Planning Guidance on Transport, and to make provision for associated facilities that promote cycle usage such as changing rooms, showers, and lockers.

Policy T2 'Parking and car-free development' requires all new developments in the borough to be car-free, and where on-site parking is provided, priority is given to disabled parking spaces and those essential for operational and/or servicing needs.

## **5.3 NPPF (2021) Relevant Policies**

The underlying principle across the NPPF is the presumption in favour of sustainable development, as expressed in Paragraph 11. This means that for decision-taking, development proposals that accord with an up-to-date development plan should be approved without delay. Where there is no relevant development plan or the policies which apply are out-of-date, permission should be granted unless the proposals are contrary to the NPPF which demonstrate a clear reason to refuse permission, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

The chapters considered most relevant to the proposals are Chapters 6, 9, 12, and 16.

### *Building a strong, competitive economy*

Paragraph 81 of Chapter 6 of the Framework explicitly outlines that planning decisions should contribute to creating the conditions in which businesses can invest, expand, and adapt. Consequently, significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development.

### *Promoting sustainable transport*

Paragraph 110 of Chapter 9 of the Framework outlines that when considering development proposals, it should be ensured that opportunities for promoting sustainable transport have been taken up, proportionate to the development type and location. Meanwhile, Paragraph 112 places emphasis on prioritising pedestrian and cycle movements within developments.

### *Achieving well-designed places*

Paragraph 126 of the NPPF outlines that the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is fundamental to sustainable development. Paragraph 130 adds to this, by requiring planning decisions to ensure that developments

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming, and distinctive places to live, work and visit;
- e) optimise the potential of the Site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>49</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 132 of the NPPF emphasises the importance of discussions between the Applicant, local planning authority and community regarding design, quality, and style, and to establish expectations and reconcile local and commercial interests. Where development is not well designed, Paragraph 134 states that this should be refused. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

#### *Conserving and enhancing the historic environment*

Paragraph 199 of the Framework sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 200 outlines that where harm is proposed, this requires clear and convincing justification.

#### **5.4 Camden's Seven Dials Conservation Area Statement**

The Statement provides a clear indication of the Council's approach to the preservation and enhancement of the Seven Dials Conservation Area. The Statement can be used by architects and developers to aid in the formulation and design of developments and change in the area. The Statement will be used by the Council in the assessment of all development proposals.

The Statement describes the character of an area, outlining key issues and development pressures that are a cause for concern.

Camden's Seven Dials Conservation Area Statement specifically highlights the Site for being an exception to the '*distinctive quality of Seven Dials*' whereby it has a '*damaging impact at street level on Mercer Street at the entrance to the basement car park*'. Earlham House has consequently been listed in the Conservation Area statement as a recent development that does not enhance the character and appearance of the area and is as such a negative feature.

## 6. *Pre-application Advice*

### 6.1 Pre-application advice

Pre-application advice from Camden was sought for a similar development scheme in October 2021. A formal written response was received in February 2022.

In the pre-application response, Camden noted that whilst the building was not listed, it considered the building to make a neutral contribution to the Conservation Area and was of architectural merit.

The main points of contention comprised:

#### Colour choice

Officers outlined that Shaftesbury Avenue was dominated by red brick and had a distinctive use of materials and terracotta. Consequently, they considered this colour palette and style was characteristic of the local context to warrant preservation in the Conservation Area.

#### Infill at ground and first floor level

Officers had concerns about the proposed infill extension as they considered that some relief and set back was required in this location to protect the building's original form and prevent harm to the building's character. They also commented that the set-back would help maintain a wider pinch-point with the adjacent street tree.

#### Glazing

Officers considered that notwithstanding the existing entrance having full-height glazing, that the proposed fenestration arrangement lacked interest and architectural merit, and therefore requested that the detailed design was improved. Officers advised on more solidity at first floor level and more expression at ground floor level.

In relation to the remaining fenestration proposals at upper floor levels, officers expressed that both street elevations had good solid to void ratios and consequently the larger full-height glazing windows on Mercer Street would disrupt this existing pattern to the detriment of the building's character and appearance and relationship with the Shaftesbury Avenue elevation. Officers noted that other buildings on Mercer Street were of a typically small scale. The corner element was expressed to be disjointed and detract from the host building, streetscene, and wider Conservation Area.

#### Fifth-floor extension

Officers had concerns regarding the proposed projecting extension at fifth floor given there was a deliberate set-back at this level which would be lost and would undermine the existing building form. There was also concern that this would overwhelm the appearance of the building on the street scene by appearing bulky.



Otherwise, officers were generally supportive of the proposals, including the relocation of the main entrance to Mercer Street, replacement gates on Mercer Street, the amalgamation of terraces at fifth floor level, and the creation of a new terrace on sixth floor level.

Overall, the design team has positively engaged with Camden's planning and design officers and have carefully considered the advice received and made necessary revisions as appropriate. The revised proposals presented in this planning application are explained and justified in **Section 7** of this Planning Statement.

## 7. *The Case for Planning Permission*

This section assesses the key planning considerations relating to the proposals, considering both planning policy and material considerations, and demonstrates how the proposals are acceptable in planning terms to justify the grant of planning permission.

The following considerations are key to the application and are considered in turn below:

- **Land Use**
- **Design and Heritage**
- **Neighbouring Amenity and Noise**
- **Transport**
- **Sustainability**

### 7.1 **Land Use**

On 1<sup>st</sup> September 2020, any building or other land used for the purposes of Class A1, A2, A3 and B1, have been subsumed into the new planning use 'Class E' 'Commercial, Business, and Service'. In line with the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, the building benefits from a Class E use. Proposals seek the continued use of the building as offices with a modest amount of new Class E office floorspace. The use will remain within planning Use Class E and therefore does not require planning permission for a change of use.

### 7.2 **Design, Townscape & Heritage**

The existing building was designed in 1975 by Richard Seifert and forms part of a larger comprehensive, mixed-use development that originally included the buildings to the rear, known as Earlham House. The buildings are now under separate ownership but have been maintained in terms of their external appearance.

Camden's Seven Dials Conservation Area Statement specifically recognises the buildings, including 164 Shaftesbury Avenue, as being an exception to the '*distinctive quality of Seven Dials*' and that there is a '*particularly damaging impact at street level on Mercer Street at the entrance to the basement car park*'. The Site has consequently been listed as a negative feature in the Conservation Area. The Council's comment that the building is of architectural merit is therefore considered unsubstantiated and is disputed.

Appreciating the existing embodied carbon that lies within the building and seeking to improve the appearance and functioning of the building to meet market demand and useability, the development proposal seeks a comprehensive refurbishment of the Site. Simultaneously, the development proposals

are considered to have a positive impact on the local streetscene and wider setting of the Conservation Area by omitting a negative building and replacing it with an architecturally successful one which responds to the Conservation Area and corner tower opposite to the east.

In line with officer advice, the proposals have reverted the colour of the brick to red as opposed to dark grey, appreciating that this is a special quality and characteristic of this part of the Seven Dials Conservation Area.

At ground and first floor level, an infill extension is proposed. It is felt that the ground and first floor inset break down the building's overall composition of projecting bays, creating an awkward relationship between the lower and upper floors. The existing set-back feature is also not a typical feature within this part of the Conservation Area. The former building prior to the 1975 construction did not have a set-back at this frontage. It is understood that the current building was part of the Greater London Council's attempt to create an arcade on Shaftesbury Avenue. The current building's inset is the last one remaining within this part of the street. It is therefore felt that the set-back is not a special design feature that merits its retention. Instead, the revised proposals shall help strengthen this elevation's overall composition. In terms of pinch points, an existing hand rail sits to the eastern side of this entrance, which hinders free movement of pedestrians across this space. Therefore, infilling this area is not considered to have any different impact on pedestrian routes when considered against what is currently possible.

The small extension at fifth floor level to the principal elevation on Shaftesbury Avenue is proposed to be maintained. The small extension has been designed to respect and retain the building's existing chamfered profile, as can be seen in the revised street views now available. The extension will therefore not alter the overall profile of the building as a result and shall not bear a negative impact on the streetscene or setting of the Conservation Area.

Notwithstanding the officers' preference to keep the glazing on Mercer Street as small, the proposals seek to enlarge the windows on this elevation to facilitate increased daylighting and outlook in the building's office spaces. The building is currently unsuccessful in that it is predominantly north-facing and has small windows allowing limited daylight, sunlight, and outlook. This is undesirable in the modern-day office market, given this gives rise to poor working conditions and occupier wellbeing—hence the recent vacancy of the building. The design team has carefully considered the existing building's key qualities and expressions to ensure that this is maintained as part of the elevational and fenestration changes. As such, the proposed changes shall retain the building's strong horizontal expression, articulated series of vertical bays, and overall rhythm, and install high-quality materials.

The proposed replacement gates at Mercer Street seek to improve what is currently in situ and described by the Seven Dials Conservation Area statement as a particularly damaging feature that is an exception to the distinctive quality of Seven Dials (see **Figure 4**). The applicant would like to work with the Council to finalise a detailed design of the gates and pavement at this vehicle crossover to enhance this part of the Conservation Area and remedy a negative feature.

Overall, the design proposals are considered to wholly improve the appearance of the host building, whilst having a positive impact on the character and appearance of the streetscene and wider Seven Dials Conservation Area. The proposals will bring a significant planning benefit, by remedying a currently negative feature within the Conservation Area. In addition, the proposals value the existing embodied carbon within the building and seek to provide a wholly sustainable refurbishment entirely aimed at ensuring the longevity of the building in the future. Meanwhile, the scheme will provide a modern office product that shall positively contribute to Camden's office market demand, which is currently significantly lacking sustainable, attractive, well-functioned, and inclusive office space that best responds to occupier/user needs. The proposals are considered to comply with Policies D1 and D2 of Camden's Local Plan.



**Figure 4:** Existing and proposed vehicle entrance gates on Mercer Street.



### 7.3 Neighbouring Amenity and Noise

The main amenity considerations in relation to the proposals are the provision of a new terrace at sixth floor level, the amalgamation of the existing individual terraces into one larger one on Mercer Street at fifth floor level, and the installation/relocation of plant equipment at basement and roof level.

The corner infill at ground floor to provide a flush treatment, and slight projecting extension to the principle façade at fifth floor level on Shaftesbury Avenue is not considered to result in any harm to the neighbouring amenity.

The nearest neighbouring residential properties most likely to be impacted by the proposals are sited adjacent, in the apartments of Earlam House to the south east of the Site of which have no habitable rooms facing the Site.

#### Terraces

The new fifth floor terrace, amalgamating the existing three individual terraces on the Mercer Street elevation is not considered to result in any new vantage points that will result in undue harm to neighbouring residents. Meanwhile, the terraces will not be used any differently. For this reason, it is not considered to raise any undue harm over and above what is already currently possible.

The new sixth floor terrace will operate in a similar fashion to the existing and proposed terraces at fifth floor level, albeit on a larger floor area to the rear. The use of this terrace will be for occupants (e.g., office workers) of the building only, and is not intended to accommodate third-party uses. Given the nature of its use, boundary treatment, and high-level location, the use of this area is not considered to unduly impact the neighbouring residential flats at Earlam House such as by way of overlooking, loss of outlook, or noise; Particularly as the windows facing the Site from Earlam House do not serve habitable rooms.

#### Plant

An acoustic assessment has been undertaken by Clarke Saunders on behalf of the Applicant to ascertain that the proposed installation of plant equipment will not result in unacceptable noise levels that will harm the neighbouring residential amenity. The acoustic assessment results show that due to the roof plant being positioned behind a retained 1.2m parapet wall, that the noise output would be properly mitigated to remain within the Council's noise thresholds in accordance with Policy A2 of Camden's Local Plan.

### 7.4 Transport

The proposals show a reduction in the number of on-site car spaces from six to two (which accommodate EV charging and disabled parking), and a considerable increase in quantum of cycle spaces (46 in total) and associated changing facilities in the basement.

The reduction in the number of car spaces and increase in the number of cycle spaces on-site is not a planning requirement as part of the overall development, nor requires planning permission to be



undertaken. However, the proposals will help to achieve the Council's ambition of car-free development and encourage sustainable travel in line with Policies T1 and T2 of Camden's Local Plan and are therefore provide a package of planning benefits.

## 7.5 Sustainability

Sustainability has been embedded within the design proposals for the refurbishment of 164 Shaftesbury Avenue since the onset of the design process which aims to deliver a highly sustainable development.

The proposed development will achieve a BREEAM Excellent rating, in line with Camden's sustainability policy requirements. The BREEAM pre-assessment is provided within the appendices of the Sustainability Statement supporting this application.

The following examples demonstrate how the scheme will aim to secure an 'Excellent' BREEAM rating and produce a sustainable development:

- The installation of renewable energy technology: 7 PV Panels on the roof and heat pumps. Despite the spatial restriction of the building and overall scheme, the proposed design has maximised the provision of renewable energy where possible.
- All-electric energy solution with no use of fossil fuels on site. This is a significant improvement upon the existing situation, in which the building currently relies on gas-fired boilers. The proposed strategy shall help to improve air quality (i.e., no potential gas or NOx emissions).
- Use the energy hierarchy to reduce the CO2 emissions onsite and follow the cooling hierarchy.
- The proposed design has prioritised sustainable-sourced materials, uses legally harvested and traded timber and timber-based products, and prioritises materials that have low embodied carbon.
- Include efficient water fittings and achieve the BREEAM Excellent standard for the 'Wat 01' category.
- Incorporate water metres and sub-metres to enable monitoring and efficient control of the building's water demand.
- Maximise daylight levels in the principal spaces
- Incorporate planting and soft landscaping, as well as the provision of bird boxes to enable nesting.

The proposed development will achieve a 45% reduction in on-site carbon emissions over the baseline emissions. 41% of this reduction is owing to the proposed renewable energy technologies. This is considered a significant improvement on the current situation. This reduction will also help boost Camden's local economy by providing much sought after sustainable space in the lettings market.

Overall, the proposed development accords with Policies CC1 and CC2 of Camden's Local Plan and follows Camden's Planning Guidance for energy efficiency and adaptation, boasting a significant improvement on on-site carbon emission reductions and a variety of sustainable building measures.

## 8. *Scheme Benefits*

This section sets out the planning benefits of the proposed development under each sustainable pillar as per the NPPF 2021.

### **Economic**

- **Economic boost** – The development will help bring a vacant building back into valuable use thereby supporting and boosting the local economy. The development shall bring considerable economic benefits by bringing a lettable sustainable office to the leasing market that would otherwise would not be possible without such upgrading and refurbishment works.
- **Viability** – The proposed development will ensure a viable and long-term future for the Site.

### **Social / Community Benefits**

- **Outdoor amenity space** – Increased amenity space in the form of private high-level terraces for office users shall contribute to good health and wellbeing for office users of the building.
- **Improved staff welfare facilities-** The provision of outdoor amenity space, high-standard floor plates and improved circulation spaces helps to contribute to the wellbeing and health of the building's users and satisfy market demand.
- **Inclusivity-** The proposed level changes, provision of adequate circulation space, and inclusive entrances shall ensure inclusive access for all building users.

### **Environmental Benefits**

- **Use of Previously Developed Land** – In line with sustainable planning principles, this development involves the refurbishment and alteration of an existing vacant office building, and therefore makes the best use of that land without needing to demolish and rebuild.
- **Improved design and layout** – As set out in the accompanying Design and Access Statement, the development will result in an improved layout that will ensure better and more inclusive access for all building users and will facilitate an improved and more efficient internal layout that maximises the space and availability of natural light.
- **Conservation Area** – The building is currently acknowledged by Camden as having a negative impact on the Seven Dials Conservation Area. The development would address this and help improve the setting of the Seven Dials CA and local context by providing improved and established façades that are attractive, well-designed and use high-quality materials. The development shall therefore have a positive impact on the character and appearance of the Conservation Area.
- **Energy efficiency** – Refurbishment of the building shall help to reduce the building's overall carbon dioxide emissions by incorporating a number of energy efficiency measures. The proposed development will reduce onsite carbon emissions by 45%.
- **Embodied Carbon-** The refurbishment will help retain the building's existing embodied carbon.

- **Sustainable Design-** The proposal will aspire to achieve BREEAM Excellent and incorporate renewable technologies. The building will have an all-electric solution, with no use of fossil fuels on site.
- **Highly Accessible Location & Active Travel-** The Site has excellent accessibility to public transport and shall encourage the use of sustainable travel methods. The development is proposing excellent cycle parking facilities to encourage active travel.
- **Roof terrace** – Fixed planters, soft landscaping, and bird boxes installed on the proposed terraces at fifth and sixth floor levels shall allow for the enhancement of biodiversity on-site. This helps respond to recent primary legislation requiring development to provide a biodiversity net gain on development sites, with the intention of becoming mandatory in late 2023.

## 9. *Conclusions*

This Planning Statement has reviewed and assessed the proposed development against the Site's relevant planning policies.

The proposals are considered to comply with Policies D1 and D2 of Camden's Local Plan. The proposed development would wholly improve the appearance of the host building, whilst having a positive impact on the character and appearance of the streetscene and wider Seven Dials Conservation Area. The proposals will bring a significant planning benefit, by remedying a currently negative feature within the Conservation Area.

In addition, the proposals value the existing embodied carbon within the building and seek to provide a wholly sustainable refurbishment that will ensure the longevity of the building in the future. Meanwhile, the scheme will provide a modern office product that shall positively contribute to Camden's office market demand, which is currently significantly lacking sustainable, attractive, well-functioned, and inclusive office space that best responds to occupier/user needs.

The proposed development shall also contribute to improving the building's sustainability such as by reducing the number of car parking spaces on site, installing a new EV electric vehicle charging bay, and significantly increasing the quantum of cycle spaces on site. The proposals shall also install new PV panels at roof level and heat pumps, which will considerably lower the building's carbon emissions. The proposals seek to achieve BREEAM Excellent.

The proposals have also been assessed against amenity and transport considerations and are found compliant.

In conclusion, the scheme boasts a highly sustainable and high-quality design that will positively respond to the local context and character, help bring a currently vacant building back into use and respond to Camden's office market demand. The scheme engages the presumption in favour of sustainable development as per Paragraph 11 of the NPPF and we therefore kindly ask that planning permission is granted without delay.

JLL

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