

194 Shaftesbury Avenue, WC2H 8JP, London

CBRE / Land Use Planning Statement

July 2022

Client: Grafton Real Estate Limited

Planning Consultant: CBRE Ltd



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Introduction

This statement is written in support of a planning application for the following works at 194 Shaftesbury Avenue.

The description of the development is as follows:

“Use of ground floor as Class E café, change of use of lower ground and 1st-3rd floors to serviced apartments, inclusion of rear dormer extension for 4th floor serviced apartments, demolition and rebuild of rear lower ground and ground floor and minor external alterations”.

Specifically, this statement seeks to justify the loss of retail floorspace in this location to provide café use on ground floor and serviced apartments throughout the remainder of the building.

Site Context

The Site is located on the eastern side of Shaftesbury Avenue to the south of the junction with Shaftesbury Avenue and High Holborn. The Site is located within a Secondary Shopping Frontage within the Covent Garden area of Central London.

The existing building is currently vacant and was last used as a Class E retail use over basement, ground and three upper levels. The previous occupier of the unit was Arthur Beale’s yacht and sailing shop who vacated the premises in July 2021. In the previous operation, the public facing retail was located on ground and first floor level with ancillary back of house storage/office on basement and Levels 2 and 3.

The Site is located within the Seven Dials (Covent Garden) Conservation Area. The Site is not listed although is identified as a positive contributor to the Conservation Area (Nos. 190-204 are all identified as positive contributors).

Loss of Existing Use

The use of the building was previously considered to be Class A1 retail use as the whole of the premises were previously used by Arthur Beale’s yacht and sailing shop with the public facing retail on ground and first floor level and the remainder of the building as ancillary use.

However, the Use Classes Order was amended in September 2020 and Class A1 uses now fall within Class E of the Use Classes Order. A café use is also within Class E of the Uses Classed Order. Planning permission is not required to move within the same Use Class unless there is an Article 4 Direction in place or there are specific conditions or s106 clauses preventing such a change.

There is no planning history for the Site available online and therefore, there are no restrictive planning conditions or s106 clauses preventing the ground floor being used as café within Class E without planning permission. The café unit on ground floor will ensure activity at street level within the frontage and will be available to be used by both serviced apartment guests and the general public. This will ensure the vitality and viability of the frontage is retained.

Outside of the ground floor level, a change of use application is required for the basement and upper floors to be used as serviced apartments use (Class C1).

Policy TC2(g) of the Local Plan outlines that secondary frontages should be protected as locations for shops (Class A1) together with a broad range of other town centres uses to create centres with a range of shops, services, and food, drink and entertainment uses which support the vitality and viability of the centre.

The text to policy TC2 outlines that the Council supports the development of housing with centres and Central London including above and below shops where this does not prejudice the town centre function and particularly the ability of the ground floor to be used for town centre uses. Similarly, in protected frontages the same policy

states that conversion of retail to housing will only be supported where it does not harm the role and character of the centre including maintaining the supply of shop premises in centres across the Borough.

Hotels (Class C1) and therefore serviced apartments (also Class C1) are considered town centre uses, which should be supported in line with Policy TC2 along a secondary frontage if the proposal still maintains ground floor activity as the proposal does. Policy enables the loss of retail above and below ground floor level for housing. However, due to the site constraints it is not possible to provide suitable residential accommodation and therefore the site lends itself to be used for serviced apartment use rather than residential (further details below).

Difficulties in Delivery Housing

During pre-application discussions, the Council requested the applicant explore the potential for housing to be delivered on-site. Permanent housing would unlikely be supported at basement level and therefore, housing at the existing Levels 1-3.

During the pre-application discussions, the Design and Conservation Officer expressed concerns with a rear extension to the property on heritage grounds and therefore, the form and layout of the existing building is considered to be fixed.

The applicant has reviewed the potential to provide a residential studio unit on each of Levels 1, 2 and 3 with the existing stairwell providing access to each of the residential flats. However, the size of each studio unit would only be between 17.3 and 33.6 sqm in size. This falls well short of the National Space Standards of 37/39 sq m for studio space with minimum standards for a 1 bed 2 person flat being 50 sq m, and would not deliver suitable residential accommodation. There would also be no private amenity space for the studio flats provided which further emphasises the poor quality of space provided for residential use within the constraints of the building.

It is not possible to provide for instance a duplex flat on Levels 1 and 2 as a new stairwell would need to be provided between floors within the flat, which would take up a significant proportion of space (approximately 10 sqm per floor lost to a stairwell).

Based on the analysis undertaken, we consider the constrained nature of the Site does not enable suitable quality residential dwellings and instead lends itself to serviced apartment use where units can be smaller in scale and would also be appropriate in a Central London location.

Proposed Service Apartment Use (Class C1)

The proposed short stay accommodation would contribute towards meeting the high demand for visitor accommodation within the Borough and in particular within the Covent Garden area of Central London. The Local Plan outlines that the Covent Garden area has a high proportion of visitors from beyond London (approximately 40%) and serviced apartments would help to provide accommodation for such a high level of visitors to this important destination.

Policy E3 Tourism of the Local Plan encourages large-scale visitor accommodation in Central London. Whilst the proposal would not be large scale, it would nevertheless provide additional visitor accommodation in a central location.

The pre-application response concluded that “if it can be shown that satisfactory new dwellings could not be provided, then visitor accommodation would be a use which would be appropriate in the Central London location”. Therefore, it is considered that serviced apartment use should be supported in this location.

Our client would accept a condition restricting the serviced apartment use so it can't be used for longer than 90 days by a visitor at any one time.

The scale and nature of the proposed use would not cause undue noise or disturbance for neighbouring occupiers. The proposed rear dormer would not project beyond the rear elevation of the building or above the top of the roof, and, as such, it should not result in any significant loss of light, privacy or outlook at any neighbouring sites.

Conclusion

The use of the ground floor as a café does not require planning permission and would represent an appropriate use within the secondary frontage of the central area, ensuring activity and vibrancy remains at ground floor level.

The above has outlined the issues with providing suitable residential units within the remainder of the building and therefore, the serviced apartment use (which is a town centre use) should be considered acceptable in this location in line with the written pre-application advice received from the Council.

Thank you

For more information, please contact:

Matt Gore

Director

matt.gore@cbre.com

Sarah Paterson

Assistant Planner

sarah.paterson@cbre.com