



Planning, Design & Access Statement

Client:

Joe Firestone

117 Shaftesbury Avenue,

London, WC2H 8AD

The instillation of a new extractor fan and two additional condensers on the roof of the premises with associated alterations to shopfront.

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1. Introduction

- 1.1 This statement is produced to support a planning application for the replacement of plant equipment at 117 Shaftesbury Avenue, London, WC2H 8AD.
- 1.2 The proposal will involve the installation of a new extractor fan and two additional condensers on the roof of the premises with associated alterations to the shopfront.
- 1.3 This planning statement will cover the background to the application and provide the necessary information to enable its determination by officers at the Council. It will consider the proposal in light of relevant planning policies and other material considerations. The conclusion reached is that key material considerations and the wider objectives of National and Local planning policy support the grant of permission.
- 1.4 In addition to this planning statement, the application is accompanied by the appropriate planning application forms and ownership certificate, duly signed and completed, and the following documents prepared by Dee Solutions (unless stated otherwise):
 - 1:50 Existing Shop Front Elevation, sheet 1, drawing number 31_FG rev A (prepared by Progress)
 - 1:50 Proposed Shop Front Elevation, sheet2, drawing number 31_FG rev A (prepared by Progress)
 - 1:50 Ground Floor Mechanical Services, drawing number 937/M/101 rev P1
 - 1:50 Roof Plant layout, drawing number 937/M/102 rev P1
 - Noise Impact Report, dated 26 October 2022 prepared by Clarke Saunders Acoustics

- 1.5 The relevant application fee will be submitted by the applicant separately.

2. Site Location and Description

- 2.1 The site is situated on the northern side of Shaftesbury Avenue, under the local authority of Camden. The neighbouring properties are mostly retail units, bars and restaurants with residential and office space above. The site has a PTAL score of 6b (best) which is supported by the numerous bus links, and being located in the middle of Covent Garden tube station to the South East, Leicester Square tube station to the south and Tottenham Court Road to the North.

3. Planning History

- 3.1 Application Ref 2015/3852/NEW – *Application for 4no. tables and 8no. chairs*. This application was withdrawn.
- 3.2 Application Ref 2015/3898/A – *Display of 2x externally illuminated fascia signs; 1x externally illuminated projecting sign and 2x replacement awnings*. (retrospective). Granted 21.10.2015
- 3.3 Application Ref 2015/3897/P – *Alterations to shopfront including replacement entrance door, shortened bay returns and installation of louvre panel above*. (retrospective). Granted 21.10.2015
- 3.4 Application Ref 2015/4751/TC – *To place 4 tables and 8 chairs Monday-Sunday 08.00-21.00*. Refused 29.10.2015
- 3.5 Application Ref PS9904325 – *The instillation of air conditioning plant on the roof as shown on drawing numbers 29.3/050, /051 and/053*. Granted 13.05.1999.

- 3.6 Application Ref P13/36X/A/36667 – *Installation of new shopfront.* Permission granted 20.09.1983.
- 3.7 Application Ref CTP/P13/36X/A/4424 – *Alterations to ground floor to 117 Shaftesbury Avenue, Camden.* Conditional decision 08.12.1967.
- 3.8 Application Ref CTP/P13/36X/A/3628 – *The change of use from theatrical showrooms to Bank on basement, ground and first floors of 117 Shaftesbury Avenue.* Conditional decision 28.06.1967.

4. Development Proposals

- 4.1 The National Design Guide (2019) identifies that “well-designed homes and buildings are functional, accessible and sustainable. They provide internal environments and associated external spaces that support the health and well-being of their users and all who experience them. They meet the needs of a diverse range of users, taking into account factors such as the ageing population and cultural differences. They are adequate in size, fit for purpose and are adaptable to the changing needs of their occupants over time” (para 120-121).
- 4.2 Regarding the requirements of NPPG Paragraph: 029 Reference ID: 14-029-20140306 in respect of Design and Access Statements, the proposal is described as follows:
- 4.3 **Use and Amount:** The proposed use is for the replacement extraction unit to ensure proper ventilation and safe extraction of fumes generated by cooking at the establishment that falls within the use class E(b) as it is a site that has the sale of food and drink for consumption (mostly) on the premises.
- 4.4 **Layout and Scale:** The proposed position of the extractor flue will be mounted upon the existing roof. Therefore, there is no substantial

change being made to the layout of the establishment. The orientation of the extractor and condensers is clearly marked out on the attached plans.

- 4.5 **Scale Height & Mass:** The scale and mass of the new extractor fan and condensers is considered to be modest, integrating effectively with the baulk of the building.
- 4.6 **Landscaping:** The boundary treatment and existing landscaping arrangements on site are not considered to be affected by this proposal.
- 4.7 **Appearance:** The design aesthetic of the extractor and condensers will be a muted colour and will not be visible in the streetscene.
- 4.8 The position of the additional grill to the shopfront would be positioned so that the store will have a symmetrical appearance ensuring a smart appearance and be in keeping with other buildings on Shaftesbury Avenue as shown in drawing number 31_FG rev A.
- 4.9 **Access & Parking:** The existing parking arrangements on site will not be affected by the proposal.

5. Policy Assessment

- 5.1 **National Guidance:** The National Planning Policy Framework (NPPF) is a relevant material consideration to the application.
- 5.2 The purpose of the planning system is to contribute to the achievement of sustainable development. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. Paragraph 38 of the NPPF states that "Local planning authorities should approach decision on proposed development in a positive and

creative way” and “at every level should seek to approve applications for sustainable development where possible”. Paragraph 119 of the NPPF comments that planning should “make effective use of land” in “meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions”.

- 5.3 Paragraph 60 confirms the Government’s objective to boost the supply of housing, and paragraph 8 identifies the three objectives of sustainable development, as economic, environmental and social.
- 5.4 Paragraph 126 identifies that “Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”, whilst paragraph 134 states that significant weight should be given to “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.”
- 5.5 The National Design Guide builds on the above, and clarifies that “well-designed neighbourhoods need to include an integrated mix of tenures and housing types that reflect local housing need and market demand. They are designed to be inclusive and to meet the changing needs of people of different ages and abilities. New development reinforces existing places by enhancing local transport, facilities and community services, and maximising their potential use” (para 109).
- 5.6 **Principle of Development:** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

- 5.7 The site is within the settlement boundary and falls within the Tottenham Court Road/ Charing Cross Road site of Central London Frontages where locations for food, drink and entertainment uses are considered appropriate. This proposal enables this site to continue as a place for food and drink that is vital for an area within the Central London Frontage so should be supported and is in line with Policy E9 of the London Plan.
- 5.8 The extractor unit utilised for the premises is an integral part of the day-to-day operations of the business, within the hospitality industry, largely to ventilate cooking fumes and neutralise odours. Therefore, in principle this development is acceptable.
- 5.9 **Sustainable Development:** The replacement extractor unit has been designed to be energy conscious and will be implemented to be sensitive to the surrounding environment to comply with Policy SI1 of the London Plan. The model has been proposed to enhance the sustainability benefits of the establishment and support the efficient operation of the business. The modest size of the extractor and condensers in relation to the development, further highlights that durability and environmental factors have been considered.
- 5.10 **Character and Appearance of the Conservation Area:** As confirmed through previous permissions and as referenced in the delegated officers report for application 2015/3898/A, the site falls within the Seven Dials Conservation Area.
- 5.11 Section 69 of the Planning (Listed Building and Conservation Areas) Act 1990 requires local planning authorities to designate “*areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance*” as Conservation Areas.

- 5.12 Section 72(1) of the Act sets out the Local Authority's statutory duty that *"with respect of any building or other land in a Conservation Area [...] special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"*.
- 5.13 The NPPF, at paragraph 194, sets out that *"in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance"*.
- 5.14 The statutory test that should be considered when determining an application within a conservation area can be found within paragraph 202 of the NPPF. This states *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use"*.
- 5.15 The Planning Practice Guidance (2014) provides further clarity regarding the importance of significance, stating that *"heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals"*.
- 5.16 London Plan Policy HC1 seeks to conserve the significance of heritage assets through development proposals being sympathetic to their significance and appreciation within their surroundings.

- 5.17 As stated in the Seven Dials Conservation Area Statement, *'the Council will seek to ensure that development in a conservation area preserves or enhances its special character and appearance and its designed to harmonise with the established character of the area.'* This proposal will be in keeping with the area and will not have a detrimental impact on the social character or appearance as the roof extractor fan will not be visible from the street scene.
- 5.18 The proposed development will allow the building to remain in its optimum viable use, in line with national policy, ensuring the long term upkeep of the building, maintaining its contribution to the Conservation Area.
- 5.19 The extractor fan is a modest size and due to its muted colouring blends into and integrates with the host building and the surrounding area, with minimal visual disturbance. Due to the high-quality design which has a minimal impact on the character of the property and local context. The symmetrical grill on the storefront is in keeping with similar sites on the avenue and is in keeping with local context. This proposal therefore complies with Policy D1: Design of the Camden Local Plan and Policy D1 of the London Plan.
- 5.20 For these reasons, the proposed development complies with local and London Plan design policy whilst resulting in less than substantial harm to the Conservation Area; and represents an enhancement of the Conservation Area through the retention of important features/enhancement of the existing building. The proposal is therefore in full accordance with national, London and local aspirations regarding design and heritage assets.
- 5.21 **Residential Amenity – Overlooking, Loss of Light and Overbearing:** The orientation and modest size of the extractor unit ensures that the proposal will not have any overbearing impacts or

cause loss of light onto neighbouring dwellings. The addition of the attenuator is designed to minimise noise produced from the extractor thus not causing an issue for neighbouring properties. Due to the relatively low impact this proposal will have on neighbouring properties, the scheme is compliant with Policy A1.

- 5.22 **Ecology:** It is not considered that the proposal will have any detrimental impact on the ecological integrity of the area. Shaftesbury Avenue is a main road, populated by shops, bars and restaurants and is a considerable distance from any known protected habitats.
- 5.23 **Acoustics:** A Noise Impact Assessment (NIA) was conducted by Clarke Saunders Acoustics to assess the atmospheric noise emissions from the proposed external plant on the roof of 117 Shaftesbury Avenue. It concluded that the external plant noise assessment demonstrates that the requirements of Camden Council should be achieved when the specified plant, extract fan enclosure and attenuator are installed therefore complying with Policy A4. The measures in place with this proposal such as the enclosure around the fan and attenuator are designed to manage the impact this installation has on the neighbouring area and as a result, this proposal complies with Policy A1 of the Local Plan and Policy D14 of the London Plan.
- 5.24 The full results of the NIA are found in the associated document by Clarke Saunders Acoustics that has been submitted with this planning statement.

6. Conclusion

- 6.1 This statement has demonstrated that the proposed development is acceptable in principle and makes an efficient use of land.
- 6.2 Material planning considerations have been carefully considered and analysed, as evidenced in section 5 of this statement and the supporting plans and documents. It is considered the proposed development would not have any adverse effect on the character of the conservation area or the amenity of neighbouring residents.
- 6.3 It is considered that the proposed scheme complies with relevant Development Plan Policies and is further supported by National Guidance. Therefore, it is respectfully requested that planning permission is granted.

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