

Our Ref: 2330AAL

3rd April 2023

DESIGN ACCESS STATEMENT  
FOR THE INSTALLATION OF EXTRACTION DUCT TO REAR  
AND REINSTATEMENT OF 2No GROUND FLOOR WINDOWS  
TO SIDE ELEVATION  
AT  
53-54 TOTTENHAM COURT ROAD  
LONDON  
W1T 2EQ

Design306  
306 Milnrow Road  
Rochdale  
OL16 5BQ.

Tel: 07794 332098

## Introduction

This Design and Access Statement has been prepared, on behalf of Mission Mars (hereafter 'the applicant'), to support a planning application for the installation of pizza oven extraction duct to rear elevation and the reinstatement of the existing Ground floor windows currently infilled with brick to the side elevation of 53-54 Tottenham Court Road, Fitzrovia, W1T 2EJ (hereafter 'the application site')

The purpose of this statement is to describe the site and its location; describe the proposed development; explain the relevant planning history; identify the policy context; explain design and access consideration; and assesses the extent to which it complies with the Development Plan and other material considerations.

The remainder of this report follows the structure set out below:

- Site Location and Description
- Proposed Development
- Design and Access Considerations;

Design306  
306 Milnrow Road  
Rochdale  
OL16 5BQ.

Tel: 07794 332098

## Site Location and Description

### Application Site Location

The application site is located within the designated Tottenham Court Road Central London Frontage on the south-west side of Tottenham Court Road between the junctions with Goodge Street and Windmill Street, respectively. An A5 takeaway (currently occupied by ITSU) lies on the ground floor of the building now to be rebranded as a Rudy's Pizza.

There are single yellow lines on the south-west side of the street immediately in front of the application site. The upper floors of the property have been vacant for close to six years.

Tottenham Court Road is a busy street which is home to a wide range of commercial uses including a variety of retail outlets and employment uses as well as residential uses within the heart of Fitzrovia.

The property is located inside the Charlotte Street Conservation Area.

It is not located within an area at risk of flooding.

### Application Site Description

The application site comprises Ground floor unit trading as ITSU Japanese takeaway with vacant floor space on the first, second & third floors

The property is neither statutorily nor locally listed.

There is no vehicle parking at the property but good access to London's public transport network including the tube and buses. Furthermore, there are several cycle lanes within proximity to the application site allowing for commuting to and from other London Boroughs.

### Proposed Development

This application proposes the installation of pizza oven extraction duct to rear elevation of the site and the reinstatement of the existing Ground floor windows currently in-filled with brick to the side elevation of 53-54 Tottenham Court Road, Fitzrovia, W1T 2EJ

(hereafter 'the application site')

Design306  
306 Milnrow Road  
Rochdale  
OL16 5BQ.

Tel: 07794 332098

## Planning History

A summary of planning applications at 53-54 Tottenham Court Road is provided in the table below.

Table 1: Historic Planning Applications at Application Site

2018/4674/P 31/10/18

Change of Use from residential (C3 use) to office (B1 Use)

Withdrawn

PS9804485R4 14/08/98

General refurbishment of the building together with the creation of one additional residential flat (making three flats in total); the construction of a four storey plus basement infill extension facing Kirkman Place for part retail, part residential use; and a two-storey rear extension, over the existing ground floor extension to the property, for residential use.

Resolution to grant subject to Section 106

N13/20/E/33745 27/07/82

Continued use of the first floor as offices at 54 Tottenham Court Road

Refused

For two reasons. 1. The continued use as offices involves the loss of residential accommodation contrary to the policy safeguarding the accommodation as expressed in the Greater London Development Plan and in the District Plan. 2. The continued use as offices involves an increase in office accommodation contrary to the Council's policy to restrain the growth of such space as expressed in the District Plan.

N15/20/E/33248 01/02/82

Established Use Certificate for the first, second and third floors of 53 and the first floor 54 Tottenham Court Road as an office.

Lawful for 53. Refused for 54.

Design306  
306 Milnrow Road  
Rochdale  
OL16 5BQ.

Tel: 07794 332098

## Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 39 of the Act requires decision makers to exercise their functions with the objective of contributing to achievement of sustainable development.

The Statutory Development Plan for an individual site comprises those Local Planning Documents which have been the subject of Examination in Public or testing through Public Inquiry and are adopted having been through due processes.

Design306  
306 Milnrow Road  
Rochdale  
OL16 5BQ.

Tel: 07794 332098

## Development Plan Policy

The Statutory Development Plan most relevant to the proposed development comprises the following:

- Policies Map (June 2018);
- Camden Borough Local Plan (adopted July 2017); and,
- Fitzrovia Area Action Plan (adopted March 2014). **Policies Map** The Policies Map reveals that the application site is located wholly within the Tottenham Court Road Central London Frontage, the Protected Primary Frontage, the Fitzrovia Area Action Plan, the Safeguarding Area for High Speed 2 and the Charlotte Street Conservation Area.
- **Camden Borough Local Plan** The Camden Borough Local Plan (CBLP) was adopted by the LPA in July 2017. It provides the spatial strategy for the Borough identifying the type, scale and broad locations of where new homes, transport improvements, jobs, shops, open spaces and services should occur in the period to 2031. It also provides policies to ensure new development addresses the key issues facing the area. The most relevant policies to the proposed development are identified below. **Policy G1** identifies how the Council will deliver new jobs, amongst other things, to meet its identified needs as well as outlining the approach that will be taken to applications that support growth and investment within the Borough. It suggests that the Council will deliver growth by

securing high quality development and promoting the most efficient use of land and buildings in Camden by, inter alia:

*a. “supporting development that makes best use of its site, taking into account quality of design, its surroundings, sustainability, amenity, heritage, transport accessibility and any other considerations relevant to the site;*

*c. expecting the provision of a mix of uses where appropriate, in particular the most accessible parts of the borough, including an element of self-contained housing where possible;”*

Furthermore, criterion e) identifies ‘Tottenham Court Road’ as 1 of only 5 growth areas in the Borough where development should be concentrated. Together with other highly accessible locations and the areas located within the Council’s Community Investment Programme (inferred), Policy G1 expects growth areas to accommodate the most significant growth.

**Policy E1** provides the strategic policy for delivering economic development across the Borough. It states as follows:

*“The Council will secure a successful and inclusive economy in Camden by creating the conditions for economic growth and harnessing the benefits for local residents and businesses.*

*We will:*

*“support businesses of all sizes, in particular start-ups, small and medium-sized enterprises;*

*maintain a stock of premises that are suitable for a variety of business activities, for firms of differing sizes, and available on a range of terms and conditions for firms with differing*

Design306  
306 Milnrow Road  
Rochdale  
OL16 5BQ.

Tel: 07794 332098

*resources;*

*support local enterprise development, employment and training schemes for Camden residents;*

*encourage the concentrations of professional and technical services, creative and cultural businesses and science growth sectors in the borough;*

- . support the development of Camden's health and education sectors and promote the development of the Knowledge Quarter around Euston and King's Cross while ensuring that any new facilities meet the other strategic objectives of this Local Plan;*
- . direct new office development to the growth areas, Central London, and the town centres in order to meet the forecast demand of 695,000sqm of office floorspace between 2014 and 2031..."*

Supporting text highlights the need for premises suitable for small businesses and the pressure on SMEs to find appropriate sites. **Para 5.6** states: "In order to secure a strong and successful economy, the Council will support businesses of all sizes, particularly start-ups, small and medium-sized enterprises. Camden has a large proportion of small businesses, with 53% employing less than nine people and a further 14% employing between 10 and 49 employees. However, premises suitable for small businesses as well as medium sized enterprises are currently under pressure from rising land values, limited land availability and 'permitted development' rights which allow the change of use from offices (B1(a)) to housing (C3) without the need for planning permission and therefore without assessment against our planning policies".

**Policy TC4** relates to town centre uses. It seeks to ensure that the development of shopping, services, food, drink, entertainment and other town centre uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours. It identifies several issues the Council will consider when determining planning applications. The most relevant are stated below.

*a. "the effect of development on shopping provision and the character of the centre in which it is located; ...*

*c. the Council's expectations for the mix and balance of uses within frontages for each centre are set out in Appendix 4;*

*d. the individual planning objectives for each centre, as set out in the supplementary planning document Camden Planning Guidance on town centres and retail; ...*

*. the impact of the development on nearby residential uses and amenity and any prejudice to future residential development;*

*. parking, stopping and servicing and the effect of the development on ease of movement on the footpath..."*

Supporting text (Para **9.32**) confirms that town centre uses includes offices (B1a use class), amongst other things.

**Appendix 4** identifies that there should be a minimum of 80% of the Tottenham Court Road

Design306  
306 Milnrow Road  
Rochdale  
OL16 5BQ.

Tel: 07794 332098

Central London Frontage in A1 (shop) use.

**Policy T2** relates to parking and car-free development. It is relevant because it is clear the Council will limit the availability of parking and require all new developments in the Borough to be car-free.

**Policy A1** relates to managing the impact of development. It states as follows:

*“The Council will seek to protect the quality of life of occupiers and neighbours. We will grant permission for development unless it causes unacceptable harm to amenity.*

*We will:*

- . seek to ensure that the amenity of communities, occupiers and neighbours is protected;*
- . seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities;*
- . resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network; and*
- . require mitigation measures where necessary. The factors we will consider include:*
  - . visual privacy, outlook;*
  - . sunlight, daylight and overshadowing;*
  - . artificial lighting levels;*
  - . transport impacts, including the use of Transport Assessments, Travel Plans and Delivery and Servicing Management Plans;*
  - . impacts of the construction phase, including the use of Construction Management Plans;*
  - . noise and vibration levels;*
  - . odour, fumes and dust;*
  - . microclimate;*
  - . contaminated land; and*
  - . impact upon water and wastewater infrastructure.”*
- .*

Design306  
306 Milnrow Road  
Rochdale  
OL16 5BQ.

Tel: 07794 332098

**Policy D2** seeks to protect Conservation Areas and Listed Building within the borough through not permitting development that will result in a “...loss of or *substantial harm to a designated heritage asset, including conservation areas and Listed Buildings, unless it can be demonstrated that the substantial harm or loss is necessary...*”. **Policy D2** also pursues to prevent the removal or

alteration of existing buildings within the conservation area, even if they are not listed, as this may cause harm to the conservation area.

### **Fitzrovia Area Action Plan**

The Fitzrovia Area Action Plan (AAP) was adopted by the Council in March 2014. The purpose of the AAP is to help to shape the future of Fitzrovia and the western part of Bloomsbury by developing a vision for the area, ensuring that growth takes place in a balanced way, coordinating development proposals across several significant sites and ensuring that growth delivers the maximum benefits to the area. The policy of most relevance to the proposed development is **Principle 4** which states as follows:

*“The Council will support small and medium enterprises (SMEs) by seeking to ensure that where appropriate:*

- *existing business premises suitable for SME use are retained;*
- *new business development is designed flexibly to allow parts of the property to be occupied by SMEs.”* Supporting text to the policy (Para 1, p4) states that *“The Council will particularly seek to maintain a supply of premises that can provide lettings of less than 100 sq m.”* **Material Consideration** Material considerations include the National Planning Policy Framework and relevant supplementary planning documents. **National Planning Policy Framework (The Framework)** The Framework, published in February 2019, states that the purpose of the planning system is to contribute to the achievement of sustainable development by performing an economic role, social role and environmental role. Critically, the Framework requires these roles to be delivered in mutually supportive ways to secure net gains across each of the different objectives. The Framework places a presumption in favour of sustainable development at the centre of the planning system. It clarifies that the presumption in favour means proposals that accord with the development plan should be approved without delay, or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of- date, proposals should be permitted, unless *“the application of policies in this Framework that*

*protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits...”* (Paragraph 11).

**Paragraph 38** states that *“Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”*

**Paragraph 80** explains that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. The same paragraph goes on to states that *“Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development...”* (underlined text – our emphasis)

Under theme 6 *Building a strong, competitive economy*, **Paragraph 81** identifies four matters that should be addressed in planning policies. The matters most relevant to the proposed development are as follows:

*“a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;”*

*“d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.”*

**Paragraph 104** suggests that planning policies should support an appropriate mix of uses to minimise the number and length of journeys. **Paragraph 118** suggests that planning policies and decisions should encourage mixed use schemes to encourage multiple benefits from urban land.

### **Camden Planning Guidance – Employment sites and business premises (Supplementary Planning Document)**

This document supports Camden Local Plan policies E1 Economic development and E2 Employment premises and sites. The document also provides guidance on the circumstances when the Council will consider alternative uses for an employment site. Furthermore, it provides information on marketing requirements, some of the designated centres, the affordability of workspaces and planning obligations.

### **Design and Access Considerations**

#### **Use**

The proposed development is in support of the rebranded use of the ground floor area as a Rudy’s pizza restaurant , 53-54 Tottenham Court Road, Fitzrovia. external alterations are proposed to the building.

#### **Layout**

The internal layout of the ground floor of the property will be refurbished. **Scale**

The scale of the building will be unaltered because no extensions or outward additions are proposed.

Design306  
306 Milnrow Road  
Rochdale  
OL16 5BQ.

Tel: 07794 332098

## **Appearance**

The existing front and side facades of the building and its roof will be unaltered such that there will be no changes to the appearance of the property.

The proposed new extraction ductwork will be finished in RAL 9005 Colour

## **Access**

The main entrance to the property is located off Tottenham Court Road and will continue to serve as the pedestrian access into the premises and will not be altered or widened.

With regards to the property's accessibility to the highway network, public transport and cycle linkages, the site benefits from a short walking distance to both Goodge Street and Tottenham Court Road tube stations alongside numerous bus routes and cycle lanes in proximity.

## **Planning Justification**

This section of the statement sets out the justification for the proposed change of use when considered against the relevant planning policies and other material considerations.

The key issues arising from this proposal are as follows:

a) Principle of development; b) Impact on the character, function, vitality and viability of the Central London Frontage; c) Amenity; and, d) Heritage Impact Assessment.

Each of these issues is now discussed in turn.

### **Principle of Development**

The Ground floor is currently trading as an "ITSU" Japanese takeaway chain for sushi, salads and noodle dishes with the upper floors of the application site being vacant for close to six years and was last used as informal employment / business floor space.

The proposed development merely seeks to maintain a class use of "E" on the ground floor on the application site, which will require the installation of an extraction system, which is proposed to be fitted to the rear and not visible from any main streets.

National planning policy, as reflected in the Framework, is extremely supportive of proposals that facilitate and maintain economic growth and productivity and initiatives that help to contribute to a strong and competitive economy so much, so it places significant weight on proposals that support economic growth and productivity.

Overall it is considered that the principle of the proposed development in this location is entirely acceptable.

Design306  
306 Milnrow Road  
Rochdale  
OL16 5BQ.

Tel: 07794 332098

## **Impact on the Character, Function, Vitality and Viability of the Central London Frontage**

Policy TC4 identifies criteria that planning applications for town centre uses will be judged against. An assessment against the most relevant criteria is therefore provided below.

There will be no harm caused to the shopping provision within the Tottenham Court Road Central London Frontage (CLF) because retail uses only occur at present on the ground floor of the building. The application site is no longer used ancillary to the ground floor premises, such as for retail storage or welfare space for staff. The first floor is an entirely separate planning unit. The proposed development will not generate any changes to the retail frontage nor will the first floor be accessed from the principal façade facing Tottenham Court Road. Accordingly, there will be no harm to the character of the CLF.

It should also be noted that there will be no material harm to users of the footpath in front of the building because B1 offices generally only generate a limited number of service deliveries for supplies and stock as well as minimal waste.

Other relevant considerations are that the proposed change of use will accommodate several office workers once it is occupied. By maintaining the same Class use of the ground floor, the proposals will add trade in particularly at lunch times. This will therefore contribute to enhancing the vitality and viability of this part of the Tottenham Court Road Central London Frontage.

It is for the above reasons why the proposed development is considered to be in accordance with Policy TC4.

As there will be no loss of retail floor space in a Protected Primary Frontage the retail function of the Tottenham Court Road CLF will be maintained which is entirely in accordance with Policy TC2.

## **Amenity**

No extension, outward addition or any other exterior alterations are proposed to the property because the application relates solely to the use of the ground floor of the building. It will therefore have no overbearing visual impacts on nearby residential properties nor overshadowing on any amenity space or on the public realm above.

Design306  
306 Milnrow Road  
Rochdale  
OL16 5BQ.

Tel: 07794 332098

## **Heritage Impact Assessment**

Whilst the property is located within the designated Charlotte Street Conservation Area, the absence of material changes and alterations to the front and side exterior of the building will have no impacts on the character and appearance of the Conservation Area. For the avoidance of doubt, the appearance of the building will be unaltered such that it will continue to be in keeping with the vernacular of the area.

The proposed development will therefore be in accordance with Policy D2.

Design306  
306 Milnrow Road  
Rochdale  
OL16 5BQ.

Tel: 07794 332098