

Our ref: EW/TR/Q230274
Your ref: -
Email: tim.rainbird@quod.com
Date: 5th July 2023



Planning Development Control
Camden Council
Camden Town Hall
London
WC1H 8ND

Submitted via Planning Portal (PP- 12289061)

Dear Sir/Madam,

Town and Country Planning Act 1990 (as amended)
Refurbishment of existing commercial units including new shopfronts and associated works
160 - 162, Tottenham Court Road, London, W1T 7NL
Application submitted on behalf of Cheshire West and Chester Borough Council

We are instructed by our client, Cheshire West and Chester Borough Council ('the Applicant'), to submit the enclosed full planning application for the refurbishment and installation of new shopfronts at Units 160 - 162, Tottenham Court Road, London, W1T 7NL ('the Site'). Specifically, consent is sought for the following development:

"Refurbishment and amalgamation of existing units 160 and 160a, refurbishment of existing units 161 and 162, including the installation new shopfronts and associated works."

The planning application has been submitted via Planning Portal (PP-12289061) and includes the following documents and drawings in line with the Council's validation requirements:

- **Requisite planning application form, duly completed;**
- **Certificate B & Agricultural Holdings Certificate;**
- **CIL additional information form;**
- **Site Location Plan (ref. 140-TWA-XX-XX-DR-AX-00005 P1);**
- **Heritage Statement, prepared by Quod; and**
- **Existing and proposed drawings, prepared by Anomaly London:**



Drawing Title	Drawing Reference	Scale
Site Location Plan	140-TWA-XX-XX-DR-AX-00005 P1	1:1250 @ A1
Site Plan	140-TWA-XX-XX-DR-AX-00010 P1	1:500 @ A1
Existing Ground Floor Plan	140-TWA-XX-XX-DR-AX-01000 P1	1:100 @ A1
Existing Elevation	140-TWA-XX-XX-DR-AX-07000 P1	1:100 @ A1
Proposed Ground Floor Plan	140-TWA-XX-XX-DR-AX-10000 P1	1:100 @ A1
Proposed Elevation	140-TWA-XX-XX-DR-AX-17000 P1	1:100 @ A1
Proposed Elevations and Sections	140-TWA-XX-XX-DR-AX-17005 P1	1:100 @ A1
Proposed Elevations and Sections	140-TWA-XX-XX-DR-AX-17006 P1	1:100 @ A1

A payment of £462 along with the service charge has been made via the Planning Portal to cover the requisite planning application fee.

1 Introduction

The planning application follows the submission of a recent application to amalgamate and refurbish units 160 and 160a Tottenham Court Road. On further review of their assets, the Applicant wants to secure permission for a more comprehensive approach across Units 160, 160a, 161 and 162. The approach will achieve a consistent design aesthetic which will benefit the character of the area and improve the overall visual appearance of the building at ground floor level.

The application is advanced on this basis.

2 Site Context and Surrounding Area

The Site comprises 4no. units (Unit 160, 160a, 161 and 162), located on Tottenham Court Road. The units comprise a central London location and form part of the Tottenham Court Road London Frontage, where local planning policies encourage retail and other main town centre uses in this location. This is reflected by the existing uses of the units, which all fall under Class E and Sui Generis (nightclub) Use Class.

The units form part of an 8-storey building. The building currently consists of commercial use on the ground floor and basement floor, and residential use on the floors above. Unit 160 is currently occupied by Mr Toppers; Unit 160a is currently occupied by Thomas Exchange UK; Unit 161 is



currently occupied by Spearmint Rhino and Unit 162 is occupied by The Japanese Canteen. Further commercial uses are located either side of the units, along Tottenham Court Road.

The Application Site is in an accessible location, with several bus stops running along Tottenham Court Road, as well as an underground station (Warren Street) under 200 metres away to the north. The units are accessible for pedestrians via Tottenham Court Road.

The Site falls within Bloomsbury Conservation Area, but the Application site does not form part of a Listed Building. The Site falls within Flood Zone 1 (an area at least risk of flooding) and sits within an Air Quality Management Area.

3 Relevant Planning History

Prior to this submission, a planning application has been submitted (ref. 2023/2214/P) for the refurbishment of Unit 160 and Unit 160a. Specifically, consent is sought for the following development:

“Refurbishment and amalgamation of existing retail units (Class E), including the installation of a new shopfront and associated works.”

This planning application is awaiting determination, with a deadline of 26th July 2023.

As mentioned, the Applicant has since reviewed this planning application (ref. 2023/2214/P) and wants to extend the refurbishment works along Tottenham Court Road to include Units 161 and 162, to unify the building frontage.

4 Proposed Development

Full planning permission is sought for the following development:

“Refurbishment and amalgamation of existing units 160 and 160a, refurbishment of existing units 161 and 162, including the installation new shopfronts and associated works.”

It is proposed that Units 160 and 160a are amalgamated to provide one unit measuring at 65 sqm (NIA) on the ground floor and 73 sqm (NIA) at basement level. There is no restriction preventing the amalgamation of the existing units, but consent is sought to allow the refurbishment and installation of a single new modern shopfront. The new shopfront will include an aluminium glazed system, with integrated door set (RAL 9017).

The proposals also include the refurbishment of Units 161 and 162, including the installation of new shopfronts at each unit. New glazing will be added to sit alongside aluminium glazing framing (RAL 9017). A new canopy is proposed above Unit 161, to replace the existing canopy. The canopy will be clad in pressed aluminium with rounded edging (RAL 9017). The shopfront heights of the units will line up with adjoining shop windows.



The proposals being advanced will see the reuse and refurbishment of existing floorspace, rather than the creation of new built floorspace. Further details of the proposal are outlined in the drawings submitted as part of the application.

The proposed development will continue to operate under Class E and Sui Generis use and therefore this planning application does not seek a change of use.

5 Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the development plan comprises the adopted Camden Local Plan (adopted 2017) and the Fitzrovia Area Action Plan (March 2014).

Material considerations comprise the National Planning Policy Framework ('NPPF') (July 2021) and the supporting Planning Practice Guidance ('PPG').

Development Plan

Camden Local Plan (2017)

The Application Site sits within London's city centre, comprising both a Primary Frontage location as well as a Central London Frontage of Tottenham Court Road.

Policy TC1 ('Quantity and location of retail development') states that there will be significant provision for the distribution of retail and other town centre uses with sites within Tottenham Court Road Central London Frontage (CLF).

The Site is also designated as a Primary Frontage on the Policies Map. **Policy TC2 ('Camden's centres and other shopping areas')** aims to protect primary frontages as locations with high proportion of shops (A1) in order to maintain the retail function of the centre.

Policy TC4 ('Town Centre Uses') will ensure that the development of main town centre uses will not cause harm to the character, function, vitality and viability of a centre, the local centre or the amenity of neighbours.

Policy D1 ('Design') seeks to secure high quality design in development. The Council require that development:

- a) *“respects local context and character;*
- b) *preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;*



- c) is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;*
- d) is of sustainable and durable construction and adaptable to different activities and land uses;*
- e) comprises details and materials that are of high quality and complement the local character;*
- f) integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;*
- g) is inclusive and accessible for all;*
- h) promotes health;*
- i) is secure and designed to minimise crime and antisocial behaviour;*
- j) responds to natural features and preserves gardens and other open space;*
- k) incorporates high quality landscape design (including public art, where appropriate) and maximises opportunities for greening for example through planting of trees and other soft landscaping,*
- l) incorporates outdoor amenity space; m. preserves strategic and local views;*
- m) for housing, provides a high standard of accommodation; and*
- n) carefully integrates building services equipment.”*

The Site sits within Bloomsbury Conservation Area. **Policy D2 ('Heritage')** requires development within conservation areas to preserve where possible the character and appearance of the area. The Site also sits within a protected view point area (vista) from Parliament Hill Oak Tree to Palace of Westminster. Supporting text of Policy D2 expects developments to consider contribution to public realm and its impacts on views and vistas.

Policy A2 ('Open Space') states that development located in a conservation area should aim to make significant contribution to the character and appearance. **Policy A3 ('Biodiversity')** echoes Policy A2 and encourages the safeguarding and protection of conservation sites, stating that development will be granted unless it would directly result in harm to a designated conservation site.



Policy D3 ('Shopfronts') expects a high standard of design in new shopfronts. When determining proposals for shopfront development the Council will consider:

- a) *the design of the shopfront or feature, including its details and materials;*
- b) *the existing character, architectural and historic merit and design of the building and its shopfront;*
- c) *the relationship between the shopfront and the upper floors of the building and surrounding properties, including the relationship between the shopfront and any forecourt or lightwell;*
- d) *the general characteristics of shopfronts in the area;*
- e) *community safety and the contribution made by shopfronts to natural surveillance; and*
- f) *the degree of accessibility*

Supporting text states that replacement shopfronts should respect the characteristics of the building.

Policy CC4 ('Air Quality') states that an Air Quality Assessment is only required where development is likely to expose residents in high levels of air pollution.

The Site sits within the Crossrail 2 Safeguarding Area. Local Policy will not grant permission for development that would compromise the implementation of transport schemes.

[Fitzrovia Area Action Plan \(March 2014\)](#)

Policy F1 ('Planning Decisions in Fitzrovia') states that the Council will take a positive approach to developments that reflect the presumption in favour of sustainable development.

The Site falls within Fitzrovia's Area Action Plan. **Principle 5 ('Retail Provision')** states that the Council will guide development of large A1 shops to the central Frontage of Tottenham Court Road and New Oxford Street. Furthermore, the Council will resist the loss of A1 shops and floorspace that would harm the area's mixed-use character and vitality.

Material Considerations

[National Planning Policy](#)

The NPPF is underpinned by presumption in favour of sustainable development which is embodied within paragraph 11.

Paragraph 8 sets out the economic objective to "*help build a strong, responsive and competitive economy*".



Paragraph 81 goes on to advise that “*planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth*”.

Moreover, Paragraph 38 sets out that Local planning authorities should:

“...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.”

In terms of town centre and retail policies, these are set out at paragraphs 86 to 91 inclusive. Paragraph 86 advises that it is important that needs for all main town centre uses are met in full and not compromised by limited site availability. Paragraph 87 states that main town centre uses should be located in town centres and then in edge of centre locations.

Paragraph 119 relates to the Government’s objective of making effective use of land and states that planning decisions should, inter alia, promote and support the development of under-utilised land and buildings.

Planning Practice Guidance

The online Planning Practice Guidance (‘PPG’) was published in March 2014, and it supports the policies within the NPPF. It includes important guidance on town centres and the application of both the sequential and impact tests. Movement from one use to another within the same use class is not development and does not require planning permission.

For the purposes of this submission there are no other policies of relevance.

6 Planning justification

Principle

There are no matters of principle which should be raised as part of this application given that the proposals do not seek a change of use and will remain operating under Class E and Sui Generis.

The proposals being advanced will see the reuse and refurbishment of existing floorspace, rather than the creation of new buildings. Such an approach is in line with one of the Government’s emerging objectives that acknowledges that the reuse and retrofit of buildings over building new ones should be prioritised as part of the work required to reduce the levels of carbon dioxide and addressing the pressing climate change crisis. Furthermore, the proposals are in line with Principle 5 of the Fitzrovia Area Action Plan which encourages the development of large A1 shops to the Central Frontage of Tottenham Court Road.



The proposals are also in accordance with Policies TC1 and TC2 which both support the provision of retail along Tottenham Court Road.

Design and Layout

Units 160 and 160a will be amalgamated and refurbished as part of the proposals that seek to create an attractive, modern retail unit. The refurbishment of Units 160 (previously 160 and 160a), 161 and 162 are designed to be in keeping with each other and with the surrounding uses along Tottenham Court Road. The main façade will see the introduction of aluminium glazed framing to the shop entrances. Clear toughened single-glaze shop glazing will be installed, with a black finish (RAL 9017). Any signage will be subject to a new application.

The proposals have come about in order to propose a more unified and considered elevation to the frontages. The proposals look to remove the existing decorative façade elements and re-introduce glazing and simple framing, to echo the art deco feel of Paramount Court. The external alterations, which have been illustrated on the submitted planning drawings, will be completed to a high quality and to a scale, appearance and function is appropriate given its immediate context.

The units will be accessible, inclusive, and safe as well as better reflecting the requirements of modern occupiers and their discerning customers.

The proposals comply with the Development Plan, namely policies: D1 and D3.

Heritage

A Heritage Statement has been included as part of this submission as required given the site is located within Bloomsbury Conservation Area.

The statement confirms that the refurbishment of the units will not result in harm to the character of the conservation area given the nature of the development. The proposals do not propose any increase in new built floorspace or height but rather external alterations to the existing frontage of the units. These alterations have been clearly illustrated on the submitted drawings.

These proposals will enhance the appearance of the units and ensure that there is consistency in the design and materials used throughout the proposals as well as within the wider area and ensure the design is in accordance with aforementioned policies. The new shopfronts will be completed to a high quality and to the scale, appearance and function is wholly appropriate given its immediate context.

As such, the proposals comply with relevant policies D2, A2 and A3 of the Development Plan.

Summary

All relevant development management considerations have been assessed and it has been demonstrated that the proposed development fully complies with the relevant development plan.



7 Conclusion

We are instructed by our client, Cheshire West and Chester Borough Council, to submit the enclosed planning application. It seeks the amalgamation of two existing retail units and the installation of new shopfronts at three units, in accordance with the enclosed plans.

The proposals raise no matters of principle and give no rise unacceptable impacts when assessed against the Council's development management policies. The proposals are appropriate in scale and form to the use and the surrounding area. The proposals wholly accord with the development management policies in which the proposals are assessed against at both a national and local planning policy level. The proposals therefore should be granted planning permission without delay.

We trust the enclosed information is sufficient to ensure that the application is validated and subsequently registered, though if you require any additional information or clarity on any point, please do not hesitate to contact us.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Tim Rainbird', located below the closing text.

Tim Rainbird
Senior Director

Enc.