

Application ref: 2023/1820/PRE
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Matt Gore
Henrietta House
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Dear Sir/Madam

Pre-application Major Development Pre-application Advice Issued

Address:

The Earnshaw
77 - 91 New Oxford Street
London
WC1A 1DG

Proposal: Change the use of part ground floor and basement from Class A1/A3 to Sui Generis.

Site constraints

- Article 4 Direction Basement Development
- Article 4 E to C3 CAZ KQ
- Buildings 18M
- BID – in Midtown
- Central London Area
- Underground development constraint - Slope Stability
- Underground development constraint – subterranean ground water flow

Relevant planning history

2017/0618/P - Demolition of existing office building at Castlewood House (Class B1), and erection of an 11 storey office building (Class B1) with retail and restaurant uses (Class A1/A3) at ground floor level; enlargement of existing double basement level and formation of roof terraces and rooftop plant along with associated highways, landscaping, and public realm improvement works. Partial demolition of Medius House with retention of the existing façade, and erection of a two storey roof extension including private roof terraces, in connection with the change of use of the building from office (Class B1) and retail (Class A1) to provide 18 affordable housing units (Class C3) at upper floor levels with retained retail use at ground floor level. **(Granted subject to s106 legal agreement 21/12/2017)**

Within the committee report there is specific mention of the provision of retail along New Oxford Street within the proposal. It writes:

Policy CS7 encourages further retail within growth areas and central London generally. Accordingly retail and food and drink uses are proposed to occupy most of the ground and 1st basement floor level of the new Castlewood House building. The existing A1 retail use at basement and ground levels of Medius House is to be re-provided as flexible A1/A3 use, though reduced slightly from 652sqm to 525 sqm to accommodate the new residential entrance and waste storage/servicing.

Currently there are no active ground floor uses within Castlewood House and the scheme proposes a total of 2,304sqm new, flexible A1/A3 uses at ground/basement floor level. The general principle of this is welcomed as it would serve to activate the ground floor frontage, greatly enhancing the streetscene and strengthening the retail function of New Oxford Street in this location. The inclusion of the retail units on the southeast and southwest corners of the building away from the primary frontage of the building is also welcomed activating this frontage and complementing the existing retail and restaurant uses in the adjacent St Giles development.

A number of consultation responses emphasised a desire to secure the provision of smaller independent shop units within the proposal. Policy DP10 encourages the provision of small shops and premises (of up to 100sqm) within schemes providing over 1000sqm of retail floorspace however it is only a requirement when the threshold of 5000sqm of retail floorspace is reached...

Although not a strict policy requirement the applicant has agreed to designate a minimum of 75 sqm of retail floor space for the provision of a small, independent unit which could be located in one of the smaller units identified above. It is important to note that this is a minimum and so in practice more small or independent units could be accommodated on the site albeit at the discretion of the applicant. The provision of an independent unit is welcomed and would be secured via s106 legal agreement. The agreement would define independent businesses as having 5 branches or less in line with the guidance in CPG5...

The Charing Cross Road frontage extends onto New Oxford Street at the ground floor level of Centrepoint to the west and if granted and constructed the site may logically form an extension to this frontage in the future... Therefore, acknowledging the similarities between the site and these nearby central London frontages it is suggested that the A3 element be limited to 33% of the total floorspace. It is considered on this basis, that the retail character of New Oxford Street in this location would be protected and enhanced, whilst avoiding any potentially harmful over concentration of A3 uses.

2018/5353/P - Relocation of the central lift/stair core and lift overrun; changes to the associated external elevations, changes to the main entrance design and other minor details (all relating to Castlewood House) approved under planning permission 2017/0618/P dated 21/12/2017 **(Granted 19/11/2018)**

2019/3594/P - Alteration to rear facing fenestration details; Addition of louvres and amendments to fenestration of ground floor retail frontage and increase in ceiling height at pod level (all relating to Medius House) approved under planning permission 2017/0618/P dated 21/12/2017 **(Granted 19/11/2019)**

2020/0705/P- Amendments to planning permission 2017/0618/P granted 21 December 2017 (for demolition of existing office building at Castlewood House and erection of an 11 storey office building with retail and restaurant uses; partial demolition of Medius House with retention of the existing facade, and erection of a two storey roof extension, in connection with the change of use of the building from office and retail to provide 18 housing units and retail)- namely various amendments to design, including addition of attenuation tank and omission of blue roof; minor reconfiguration of fenestration and entrances; changes to cycle access provision; changes to external balustrades; rearrangement of risers and ducts terminating at roof level; amendments to louvered areas. **(Granted 12/08/2020)**

2021/4162/P - Variation of condition 2 (Approved Plans) of planning permission 2017/0618/P dated 21/12/2017 for 'Demolition of existing office building at Castlewood House (Class B1), and erection of an 11 storey office building (Class B1) with retail and restaurant uses (Class A1/A3) at ground floor level; enlargement of existing double basement level and formation of roof terraces and rooftop plant along with associated highways, landscaping, and public realm improvement works. Partial demolition of Medius House with retention of the existing facade, and erection of a two storey roof extension including private roof terraces, in connection with the change of use of the building from office (Class B1) and retail (Class A1) to provide 18 affordable housing units (Class C3) at upper floor levels with retained retail use at ground floor level.' Namely reduce the A1/A3 space and replace with ancillary office space (B1 in the basement). Other alterations include uplift to plant equipment, internal reconfigurations, changes to floor risers, roof level alterations and changes to the cladding. **(Granted 10/02/2023)**

This s73 application did alter the level of retail within the site however not significantly. Below is from the informative attached to the decision notice:

The land use changes include reducing the A1/A3 space within the basement and ground floor by 487sqm (mostly within the basement). This is to accommodate energy efficiency improvements changes to the building and offer the office space sustainability improvements. The basement, as proposed will now accommodate AHU Room, A1/A3 Retail space, Boiler Plant and Pump Room, HV/LV Room, UKPN Plant Room, Future DEN Room, UKPN Substation, Reconfigured Cycle Store, Changing Rooms the ground floor changes are minor with a facilities management store and lobby alterations making the most substantial difference.

Overall, the loss of the A1/A3 ancillary retail space in the basement is significant (in terms of the amount of floorspace) however does not undermine the overall retail offer at ground floor which still remains. It is considered that the loss, whilst a material consideration, would not be unacceptable considering the retention of the active frontage on ground floor and consolidation of higher quality office space on the upper floors. The proposal would therefore maintain the vitality and vibrancy of the surrounding area.

2022/3700/P - Non-material amendment for planning permission 2017/0618/P dated 21/12/2017 for 'Demolition of existing office building at Castlewood House (Class B1), and erection of an 11 storey office building (Class B1) with retail and restaurant uses (Class A1/A3) at ground floor level; enlargement of existing double basement level and formation of roof terraces and rooftop plant along with associated highways, landscaping, and public realm improvement works. Partial demolition of Medius House with retention of the existing facade, and erection of a two storey roof extension including private roof terraces, in connection with the change of use of the building from office (Class B1) and retail (Class A1) to provide 18 affordable housing units (Class C3) at upper floor levels with retained retail use at ground floor level.' Alterations include tv/signal satellite and stand, access ladder, mechanical smoke ventilation system and extract, glazed roof light and mansafe system. **(Granted 24/11/2022)**

2023/0553/P - Non-material amendment for planning permission 2017/0618/P dated 21/12/2017 (as amended by planning permission 2021/4162/P dated 15/07/2022) for 'Demolition of existing office building at Castlewood House (Class B1), and erection of an 11 storey office building (Class B1) with retail and restaurant uses (Class A1/A3) at ground floor level; enlargement of existing double basement level and formation of roof terraces and rooftop plant along with associated highways, landscaping, and public realm improvement works. Partial demolition of Medius House with retention of the existing facade, and erection of a two storey roof extension including private roof terraces, in connection with the change of use of the building from office (Class B1) and retail (Class A1) to provide 18 affordable housing units (Class C3) at upper floor levels with retained retail use at ground floor level.' Alterations include tv/signal satellite and stand, access ladder, mechanical smoke ventilation system and extract, glazed roof light and mansafe system. CHANGES include omitting the glazing bars of medius house to the rear elevation. **(Granted 31/03/2023)**

2023/1085/P - Non-material amendment for planning permission 2017/0618/P dated 21/12/2017 (as amended by planning permission 2021/4162/P dated 15/07/2022) for 'Demolition of existing office building at Castlewood House (Class B1), and erection of an 11 storey office building (Class B1) with retail and restaurant uses (Class A1/A3) at ground floor level; enlargement of existing double basement level and formation of roof terraces and rooftop plant along with associated highways, landscaping, and public realm improvement works. Partial demolition of Medius House with retention of the existing facade, and erection of a two storey roof extension including private roof terraces, in connection with the change of use of the building from office (Class B1) and retail (Class A1) to provide 18 affordable housing units (Class C3) at upper floor levels with retained retail use at ground floor level.' Alterations include tv/signal satellite and stand, access ladder, mechanical smoke ventilation system and extract, glazed roof light and mansafe system. CHANGES include Lift overrun height increase; Roof access locations adjusted; Retail door height adjusted; Retail door leaf configuration adjusted; Aluminium Portal to arcade entrance introduced; Granite plinth height increased; Glazed brick plinth height increased; UKPN louvre sized reduced and brick lintel introduced; Recessed brick detail position adjusted; Low level transom to curtain wall introduced; Extent of rainscreen cladding/louvered screen adjusted; Revolving door drum size increased; Terrace sliding door height revised; Cyclist entrance design revised; and Intermediate precast piers width adjusted. **(Granted 27/04/2023)**

Relevant policies and guidance

National Planning Policy Framework (NPPF) 2021

The London Plan 2021

Camden Local Plan 2017

Economy and Jobs

Policy E1 Economic Development
Policy E2 Employment premises and sites

Protecting amenity

Policy A1 Managing the impact of development

Design and Heritage

Policy D1 Design
Policy D2 Heritage

Town centres and shops

Policy TC1 Quantity and location of retail development
Policy TC2 Camden's centres and other shopping areas

Transport

Policy T1 Prioritising walking, cycling and public transport
Policy T2 Parking and car free development

Delivery and monitoring

Policy DM1 Delivery and monitoring

Camden Planning Guidance

Amenity CPG 2021
Design CPG 2021

Site and surroundings

Castlewood House and the Central St Giles buildings to the south, are located in a small pocket of land that falls outside of any Conservation Area. Medius House along with 71-75 New Oxford Street, and 12 Dyott Street & 2-4 Bucknall Street (a single building known as Bucknall Street warehouse) are all located within the Bloomsbury Conservation area and are identified in the Bloomsbury Conservation Area Appraisal and Management Strategy as positive contributors. Areas to the north, across New Oxford Street, and to the east of the site fall within the Bloomsbury Conservation Area. Across Earnshaw Street to the west lies the Grade II Listed Centre Point House and the Denmark Street Conservation Area.

The site is within a varied urban context both in scale, grain and architectural style. New Oxford Street maintains a civic quality with some substantial Portland stone buildings on its northern side at around 9 storeys. In contrast Bucknall Street and areas to the south retain a much more irregular grain, which the Central St Giles redevelopment celebrates. Centre Point expresses a modernist rationality in its lower block with its landmark tower being much more architecturally expressive. Buildings in the surroundings vary in height from 5 to 11 storeys with the exception of the Centre Point tower

Surrounding properties are primarily in commercial use with ground floor retail and restaurant uses. There is some existing residential provision as part of Central St. Giles (known as Matilda Apartments), to the south of the site and the Centre Point development, to the west of the site. Larger residential communities are predominantly located to the north in Bloomsbury.

The site is within the Central Activities Zone (CAZ), the Central London Area, and is within the Tottenham Court Road Growth Area. The Tottenham Court Road Central London retail frontage

is located across the road on the north side of New Oxford Street. The site is located within the southern area covered by the West End Project; Camden's largest transport and public realm improvement scheme. The site is highly accessible by public transport (PTAL 6B 'excellent'), being served by Tottenham Court Road underground station 200m to the west, Holborn underground station 500m to the east and numerous bus routes along New Oxford Street, Charing Cross Road and Tottenham Court Road. The site is also now served by the Elizabeth Line via the new station constructed at Tottenham Court Road.

Since the site gained planning permission in 2017, the approved building has been constructed and is in the final phase stages of development. The current pre-application requests seeks further advice regarding changes to the ground floor A1/A3 floorspace.

From the initial meeting, it was felt the proposed use which is associated with GSK the occupier of office use on the upper floors was likely to be Sui Generis. It was proposed to change the use of Units 1-3 (fronting New Oxford Street, including the basement) to Sui Generis (the green areas on the northern elevation on the below plan). We were advised that the other three units (Units 4-6) would not be part of the application and these units would be retained as retail/restaurant as allowed under the current consent. You advised that your client's preference would be for a personal permission where the use would revert to the consented retail/restaurant space when GSK vacate the premises, but were happy to discuss as an alternative the principles of a temporary permission to match the GSK lease. The Council asked for further information to better understand the proposed vision and use of Units 1-3.

You advised that the access points to the units would remain along New Oxford Street as consented and the intent would be for the proposal to retain an active and vibrant streetscene as envisaged with the consent. You advised that your vision for the proposed use offered an opportunity to deliver social value and educational/community benefits by enabling the vertical farm to be visited by schoolchildren and community groups to help teach about healthy eating and wellness. It was confirmed that there would be limited changes required to elevations with the only real change being an additional door proposed on the west elevation to the north of the office reception, which would be a means of escape from the basement required under regulations.

ASSESSMENT

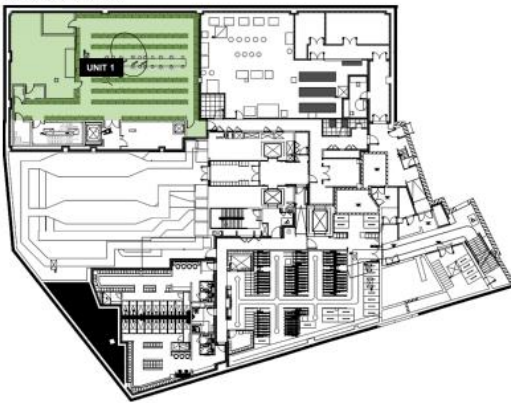
The principal planning considerations are the following:

- Land Use
- Design and Heritage
- Transport
- Neighbouring amenity

1. LAND USE

GSK have recently signed a 17-year lease for the entire building including the ground floor and basement space. The application relates to Units 1-3 along New Oxford Street at ground and basement level (green areas on the northern elevation on the below plan). It is proposed the basement space will be a vertical farm, with the ground floor on Units 1-3 providing a restaurant space during the working weekdays for GSK staff and their guests, it will be open and accessible to the public during weekday evenings and on weekends. These two spaces will be linked with the food grown on site being available to eat in the restaurant.

Basement Plan



Ground Floor Plan



UNIT 1 - 3	592 SQ.M (6,373 SQ.FT)	SUI GENERAL	GSK EMPLOYEES/VISITORS BY DAY, PUBLIC USE WEEKEND & EVENINGS (GROUND & BASEMENT)
UNIT 4	52 SQ.M (560 SQ.FT)	A1	OUTSIDE OF APPLICATION - REMAINS AS CONSENTED
UNIT 5	105 SQ.M (1,130 SQ.FT)	A1	OUTSIDE OF APPLICATION - REMAINS AS CONSENTED
UNIT 6	156 SQ.M (1,680 SQ.FT)	A3	OUTSIDE OF APPLICATION - REMAINS AS CONSENTED

Unit 6 was confirmed in the meeting not to relate to the proposal even though it is shown as being part of it in the plans above. If this is the case the approved plans from the original permission show this space as retail space (A1) specifically.

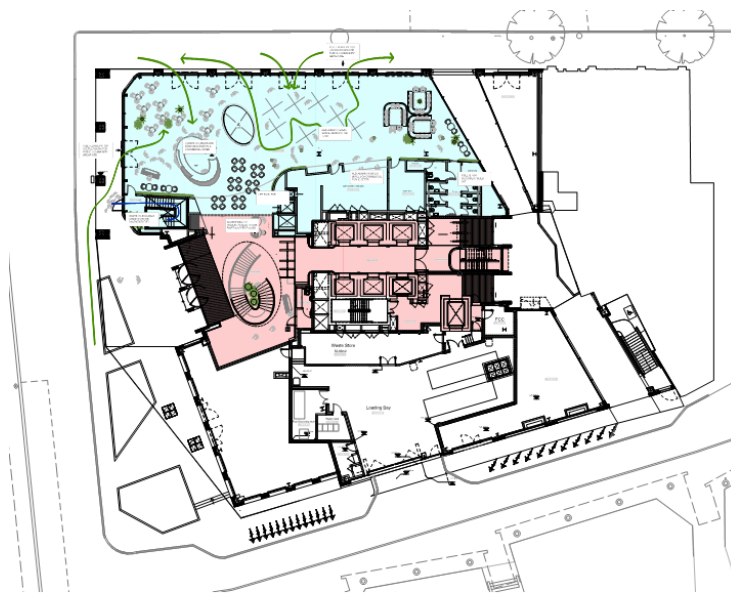
The proposed use is quite abstract, perhaps down to its unique and innovative nature therefore there is a degree of vagueness with the proposal. As stated above the intention is that some of the space would be used to create a vertical farm which would be linked to use of the restaurant above and could be used to accommodate school and educational outreach programmes. In the meeting there was also some discussion about showing this off to other companies as well. The restaurant would be used by GSK staff during the weekdays, but in the evening and weekends would be a publically accessible space. It is difficult to understand how all these functions are compatible as surely the school and educational outreach would rely on daytime access?

The documents that were provided (including the Operational Management Plan) as well as the information provided in the meeting have failed to explain this arrangement, whilst the concept is creative and innovative and one the Council would like to support, there are questions that need to be answered and we require reassurance that our aspirations for activation of the street frontage and a building which contributes to the vitality and vibrancy of the surrounding area would still be realised.

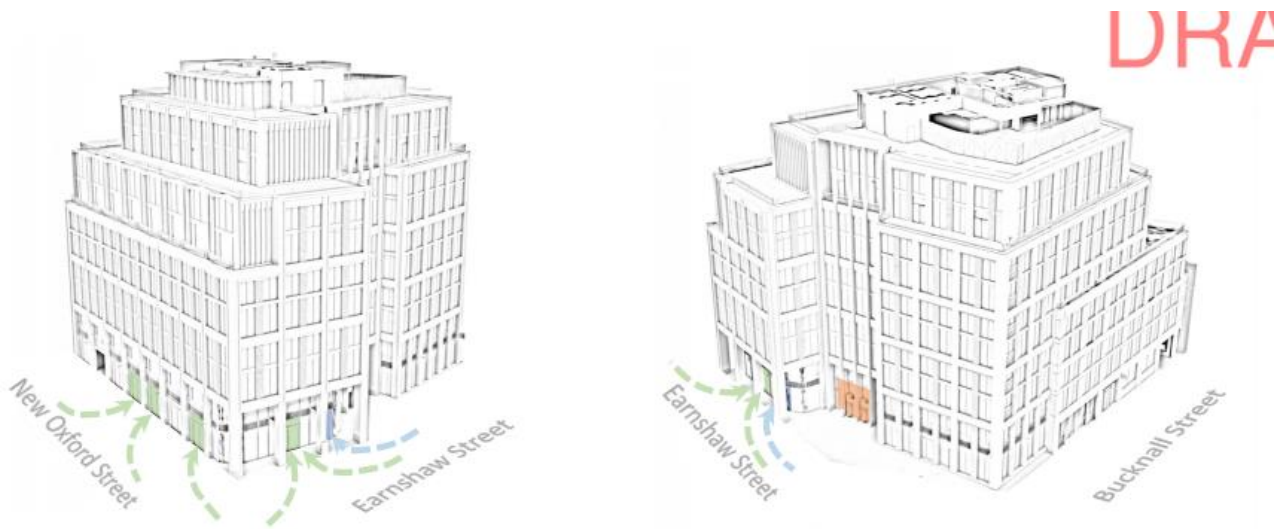
The perception of a building which is mostly closed to the public, accessed through the main office door and only used by private office staff creates numerous problems when the intention was that this would be open to the public and there is a significant concern about how welcoming this would feel for the public when it is open to them in the evening and at weekends. We have questions around how access and security would work and need more information to be convinced that the space has been designed to work well and successful for both purposes. The discussion at the meeting and the documentation provided to us do not adequately address these matters, all the OMP says is that:

The ground floor on Units 1-3 will provide a restaurant space during the working weekdays for GSK staff and their guest, it will be open and accessible to the public during weekday evenings and on weekends.

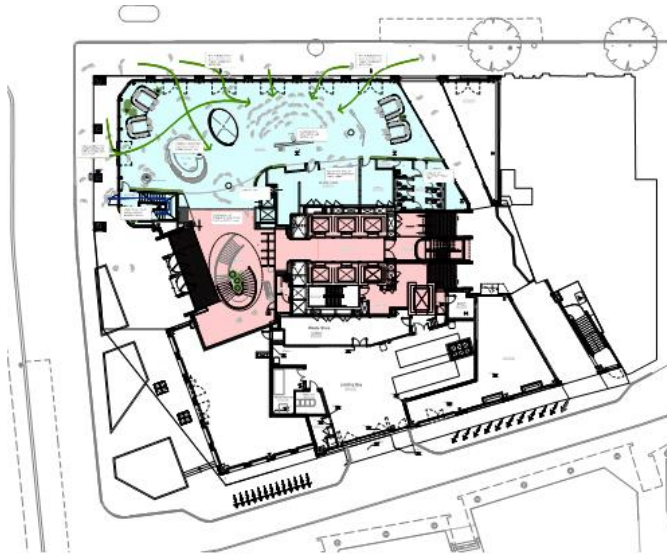
Function and operation are not discussed and need to be adequately addressed for us to be able to understand and have confidence that the use would provide an appropriate alternative to what was originally approved. Overall there is concern about the success of the concept and fundamentally, how publically accessible it will be. Elevation sketches and ground floor plans demonstrating how the space could be used for the different functions were subsequently submitted following the meeting. These are screenshots below:



Public exhibition café mode



Public exhibition café mode

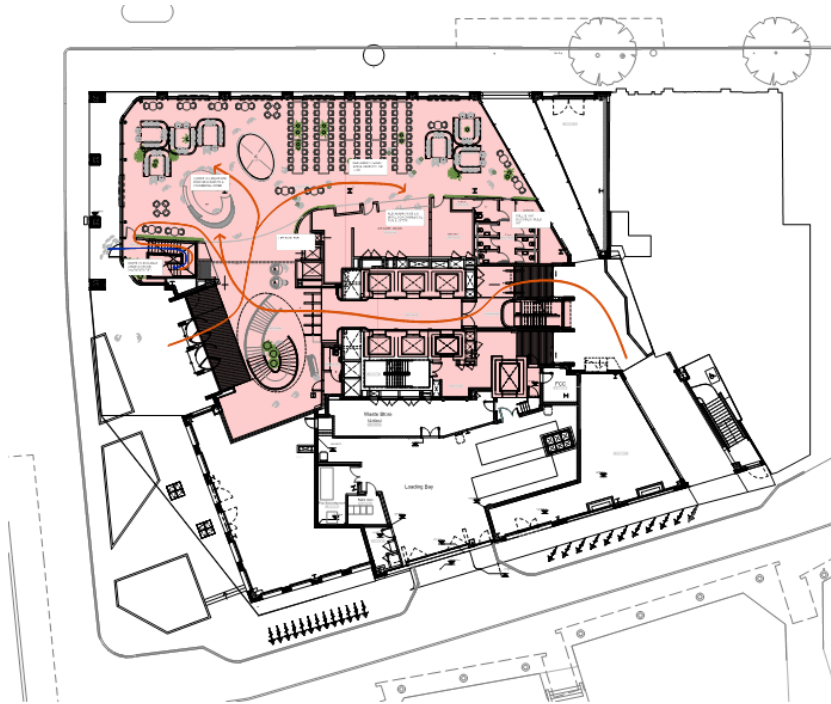


Public speech mode



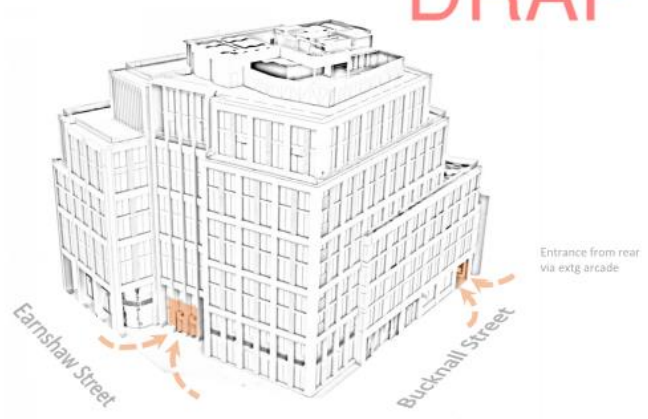
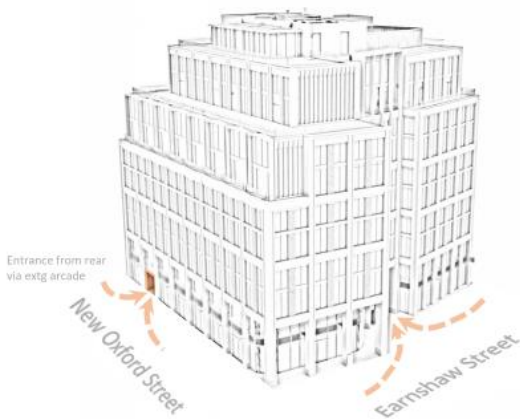
DRAF

Public speech mode



GSK Daytime mode

URAF



GSK daytime mode

Certainly for the 'public speaking' and 'public exhibition' uses above the proposed layout appears very open with multiple access points, making the space almost part of the street. However, there is concern that this would be very difficult to control and in practice the space would rarely, if at all, be used like this. Considering this is a GSK space, there would surely have to be a higher level of control in terms of access than that which is shown, can a public exhibition space of these nature function with multiple access points? Whilst we are supportive of a multi functional space we need to be convinced that it can work in practice, particularly given the public access uses would be so fundamental to our ability to support it.

The issues of private versus public use and how that could be controlled was something that we discussed further at the meeting. Were planning permission to be granted for the proposed use it would give overall control of it to GSK as the space, it would then be inherently linked to the offices on the upper floors. We discussed about using the space as an events space that the public could use (as well as GSK) however questions remained unanswered about how the site did not have events on weekends or evenings how would the space look and how 'active' would the frontage be and what would stop GSK using the space for meetings in the evenings meaning that the public could not access it. If the Council did grant permission it would expect to impose controls to ensure public access in the evenings and at weekends.

There is full appreciation that the retail market is challenging at the moment however there are wider implications to removing the retail space in this location, the knock on impact to other retail in the area. New Oxford Street still remains an important retail area within Central London and removing this activity along the road, as is being proposed, could then hinder the success and vitality of the Central London Area as a place for retail in the longer term. As we have mentioned previously we have generally discouraged organisations from creating a 'campus' where everything is accommodated for within the company's building as this creates insular spaces where employees do not make use of local businesses in the area and may then also contributes to the undermining of many retail, food and drink services within the borough. With the information provided to date it is difficult to see how the proposed change of use of this space would not contribute to this, overall negatively impact the success and vitality of the high street.

Whilst this is not a main point, there is also a question about what the restaurant would be like if you were a GSK office employee? The floor plan shows tables and chairs right up to the building line along New Oxford Street and, due to the proximity to ... along the pavements creates a slightly jarring relationship and almost a 'goldfish' bowl issue. Whilst there is no doubt these kind of spaces would be beneficial for office workers it remains to be seen how inviting this space would actually be due to the level of glass on the frontage.

Whilst we support your ideas and vision to create this unique and distinctive use we do need more information from you on how it would actually work. The reason being that we need to be confident that it will continue to create the ground floor activation that was a fundamental part of the approved scheme. Our initial thoughts were that a lot of the issues/concerns could be overcome by utilising alternative units which don't have such a strong presence onto New Oxford Street, or reducing the floorspace and allowing for creation of some retail onto New Oxford Street alongside this space. It would be good if we are able to explore options.

So overall in summary more information is needed in order for the Council to understand the exact nature and function of the use and its wider impacts. I have tried to summarise the key questions below:

- Is all the space restaurant/event space, when would schools have access, when would only GSK workers have access, when would it be open to the wider public?
- What type of events are we referring to, are they connected to GSK and by invite only or would they have a broader reach, paid or unpaid?
- How can the space be laid out to function for all the different types of uses?
- How will it be accessed and managed?
- How will you be creating activation of the street frontage to support the retail uses?

2. DESIGN AND HERITAGE

Local Plan policies D1 (Design) and D2 (Heritage) are aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.

Overall the proposed change of use would only change the external appearance of the building in a very minor way. The introduction of the new side door would not negatively impact the design and is therefore acceptable.

However, whilst the building itself is almost finished, and therefore nearly fully implemented, there is a question about how the use would impact the appearance and design elements of the building. Areas that were highlighted for retail spaces are now being altered to essentially office space which means that the proposed entrance doors will undoubtedly remain closed due to security and access reasons.

In the meeting there was confirmation this would be the case but also an idea that these could be open, at points, for events. There was no clear answer as to how this would function properly where most of the doors are open and there is, say, a private event on. This building was designed to be open at ground floor due to the retail frontage element and therefore, from a design perspective, whilst the changes are minimal the external appearance and character of the building could change quite significantly.

3. TRANSPORT

In line with Policy T1 of the adopted Camden Local Plan, we expect cycle parking at developments to be provided in accordance with the standards set out in the London Plan. For GSK staff, long term cycle parking is provided at basement level in line with the approved scheme (2017/0618/P). Cycle parking for visitors is due to be provided in the form of 30 spaces (15 stands) on the streets surrounding the site. This was secured by means of the Section 106 Agreement. Since the development was approved the London Plan cycle parking standards for restaurants for short stay use have increased. However, it is considered that there is limited space available in the surrounding area to provide further cycle parking and so this requirement can be waived in this particular instance.

In accordance with Policy T2 of the Camden Local Plan, we expect car free development across the Borough. No on-site (off-street) car parking is being provided as part of this development. The site has already been secured as Business parking permit free by means of the extant Section 106 Agreement.

An additional staircase and lift would be provided serving the ground floor and basement. There is no objection to the ground floor stair door opening outwards onto the public highway as this is a fire escape requirement.

It is not anticipated that there would be any increase in servicing and deliveries to the site above that already approved. However an updated SMP might be beneficial to show how the different types of deliveries/ waste might be dealt with

4. NEIGHBOURING AMENITY

Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours. The factors to consider include visual privacy, outlook; sunlight, daylight, and overshadowing; artificial lighting levels; noise and vibration; odour, fumes, and dust; and impacts of the construction phase, including the use of Construction Management Plans.

Due to the very limited external changes any impact to outlook, privacy, enclosure, daylight/sunlight and overshadowing is not considered significant. A new restaurant however may mean new plant and extract equipment and therefore issues of noise and odour will need to be considered. Noise and odour impact assessments are recommended if this is the case.

CONCLUSION

It is considered that the idea is of interest to the Council and potentially some form of space like this could be supported. However at the moment there is not enough clarity on the function and overall use. Therefore it still needs to be fully demonstrated that this does not create a dead frontage on New Oxford Street.

This document represents the Council's initial view of your proposals based on the information available to us at this stage. It should not be interpreted as formal confirmation that your application will be acceptable, nor can it be held to prejudice formal determination of any planning application we receive from you on this proposal.

If you have any queries about the above letter or the attached document, please do not hesitate to contact **Ewan Campbell**

Thank you for using Camden's pre-application advice service.

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