

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
WC1H 9JE

Date: 15 March 2024
Our ref: 64743/03/SSL/AH/JT/26996779v1
Planning Portal Ref: PP-12457563

Dear Sir/Madam,

106b New Oxford Street, London, WC1A 1HB

Full Planning Application for Change of Use of Ground and Upper Basement Floor from Class E to an E-gaming restaurant/bar (Sui Generis) or Flexible Use Class E

On behalf of our client, 100 Nox SARL (“the applicant”), please find enclosed a full planning application seeking approval for the change of use of the ground and upper basement floors, from Use Class E to an E-gaming restaurant/bar (Sui Generis) or flexible Use Class E at 106b New Oxford Street, London, WC1A 1HB (“the application site”).

Application Submission

This planning application has been submitted via the Planning Portal (ref. PP-12457563), and comprises of the following documents:

- 1 Completed Application form including Ownership Certificates;
- 2 This Covering Letter containing planning and proportionate heritage statement, prepared by Lichfields;
- 3 Site Location Plan (ref. 501), prepared by S&P;
- 4 Existing Floorplans (ref. 510), prepared by S&P;
- 5 Proposed Floorplans (ref. 560), prepared by S&P.

In addition, a CIL Additional Information Form is provided, as well as a Brochure from the intended tenant, Platform, and illustrative drawing ref. 0-A-1A which is submitted for information purposes to demonstrate the proposed layout of the premises.

The application fee of £578.00 (+£64.00 planning portal admin fee) has been paid online via the Planning Portal.

Existing or proposed elevation or section plans have not been included in this submission given there are no external building works proposed in this instance – the application relates to change of use only. Any tenant signage required to street elevation will be secured via an advertisement consent application in due course, as may be necessary.

Site & Surroundings

The application site is outlined in red on the accompanying Site Location Plan - it comprises the existing ground and upper basement floor at No. 106b which forms part of a mixed commercial frontage on the northern side of New Oxford Street (see Figure 1). The immediate and wider area reflects a concentrated town centre offer with the start of Tottenham Court Road and Oxford Street at the junction of New Oxford Street, c.120 metres to the west, which is typified by retail, leisure, food and beverage and office uses.

The application site's central location within this busy area results in a highly sustainable and accessible location, being in close proximity to excellent public transport links (PTAL rating 6b – the highest public transport accessibility), including Tottenham Court Road and Holborn tube stations (c.120 metres to the west and c. 600 metres to the east, respectively). A number of bus stops are positioned immediately adjacent the site, along New Oxford Street, with regular services to Finsbury Park, Hackney, Walthamstow, Battersea and Victoria.

No. 106b New Oxford Street is currently vacant, having been formed following the grant of planning permission for external works which facilitated its subdivision at ground floor (ref. 2022/4578/P). The upper basement has been demised to No. 106b following internal reconfiguration of ancillary office space, for example storage areas, cycle stores and showers which have been relocated elsewhere within the building. The relevant planning history of the site is provided in Annex 1 below and demonstrates the lawful use was established under planning permission ref. 2015/5800/P for a dual retail and restaurant/café use (now Use Class E).

106b New Oxford Street is not a listed building but is located within the Bloomsbury Conservation Area. In this regard, the Bloomsbury Conservation Area Appraisal and Management Strategy (April 2011) identifies 80-116 (even) New Oxford Street as making a positive contribution to the Conservation Area and recognises this sub-area as a pocket of commercial activity.

Figure 1. 106 New Oxford Street.



Source: Google Maps (August 2022).

The Proposed Development

With the UK video games market worth c. £7.05bn (in 2022¹), the number of players is estimated at 51 million² across the country. However, although digital gaming has been around for decades, many are now valuing leisure experiences, hence the gaming and the e-sports industry has begun to flourish within physical spaces within our town centres and high streets.

Known as “the home of social gaming”, Platform, the intended tenant, is at the forefront of providing venues for players to come together to watch e-sports and participate in video games across a choice of console platforms. Platform provides gaming entertainment for all ages in a comfortable lounge setting, complemented by its high-quality food and beverage offerings.

Platform opened its first venue in Shoreditch in 2017, providing eight gaming booths, a ten-person e-sports stage, bar, restaurant and lounge area. Since beginning operations, the venue has consistently maintained strong customer reviews (currently 4.5³ on Tripadvisor) and provides local employment opportunities. Further details of Platform’s experience in other London Borough’s is detailed in the submitted Brochure.

The nature of the business means that it can operate from what would previously be considered sub-optimal spaces within town centres, for instance in the case of New Oxford Street, a large basement space with no natural light. These spaces would traditionally be used for storage and back of house to serve retail shops above, however, in an ever-changing town centre market, they are more challenging

¹ BBC News: UK Video Games market value dipped by 5.6% in 2022 (April 2022): <https://www.bbc.co.uk/news/entertainment-arts-65175394>

² Statista: Number of gamers in select European Countries (August 2023): <https://www.statista.com/statistics/448421/gamers-in-european-countries/>

³ Following 42 reviews on Trip Advisor: https://www.tripadvisor.co.uk/Attraction_Review-g186338-d17378260-Reviews-Platform_Shoreditch-London_England.html

to let to retailers given changing operating models (shops are more often used as ‘shop windows’ carrying little stock on-site, instead relying on e-retailing and the drive towards convenience with next (or same) day delivery available). For this reason, the applicant has needed to investigate alternative uses for these spaces. 106b New Oxford Street is therefore considered an ideal opportunity to introduce a new commercial leisure operator, making use of otherwise redundant basement space, providing job opportunities, supporting the evening and night-time economy and providing a place for people to mix and socialise.

This application therefore seeks full planning permission for the ‘*Change of use of the ground and upper basement floors, from Use Class E to an E-gaming restaurant/bar (Sui Generis), or Flexible Use Class E*’.

The application for dual-use is intended to ensure the space is futureproofed in use class terms i.e. maintaining the Class E flexibility in this town centre location, should the intended tenant ever vacate.

Policy Context

The relevant statutory development plan for decision-making purposes pursuant to this application consists of:

- The London Plan (2021);
- Camden Local Plan (2017); and
- Fitzrovia Area Action Plan (2014)

The Council has also recently consulted on its regulation 18 draft local plan, however given its early stage of preparation we have not assessed this application against its draft policies.

Those policies deemed relevant to the determination of this planning application are detailed as follows:

London Plan (LP)

- Policy SD4 The Central Activities Zone (CAZ)
- Policy SD6 Town Centres and high streets
- Policy HC1 Heritage conservation and growth
- Policy HC6 Supporting the night-time economy
- Policy T7 Deliveries, servicing and construction

Camden Local Plan (CLP)

- Policy A1 Managing the impact of development
- Policy D2 Heritage
- Policy TC1 Quantity and location of retail development
- Policy TC2 Camden’s centres and other shopping areas
- Policy TC4 Town centre uses
- Policy T1 Prioritising walking, cycling and public transport

Fitzrovia Area Action Plan

- Land Use Principles / Principle 5

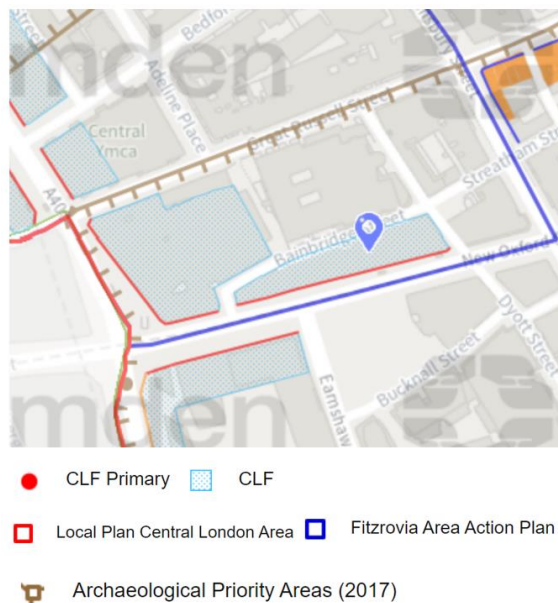
Other Material Considerations

- The National Planning Policy Framework ('NPPF') paragraphs 86, 92(a) and 93
- The National Planning Practice Guidance ('NPPG') para. 001, ref: 2b-001-20190722
- Camden Planning Guidance: Town Centres and Retail (January 2021)

Policy Designations

The site is located within the Central London Area and Central Activity Zone (CAZ). The site also forms part of the Central London Frontages (Primary) (Tottenham Court Road) and is regarded as a Local Centre (New Oxford Street) (Figure 2.). In addition, 106b New Oxford Street is located within the Bloomsbury Conservation Area and in an Archaeological Priority Area.

Figure 2. Policies Map Extract.



Source: Camden Council (2023)

Planning Assessment

Land Use Principle

The NPPF recognises leisure and entertainment as a town centre use, in which national policy requires planning decisions to take a positive approach to the growth, management and adaptation of town centres (para. 86).

At a regional level, LP Policy SD4 (CAZ) recognises that entertainment activities are a defining feature of the vibrant and distinctive character of the CAZ, providing a mix of daytime, evening and night-time

uses that should be promoted and enhanced. This is reinforced by Principle 5 of the Fitzrovia Area Action Plan and CLP Policy TC2, which states that the Council will guide development of food, drink and entertainment uses to the Central London Frontages on Tottenham Court Road and New Oxford Street.

The proposed e-gaming concept, alongside a complementary food and beverage offer, would therefore provide an activity that is consistent with the land use mix envisaged for the CAZ and Central London Frontages. We therefore consider the proposed use to be wholly appropriate for this location in principle.

The Council has, however, designated 106b New Oxford Street as a Primary Frontage, with the accompanying policy seeking to protect and maintain the retail (A1) function of the centre (CLP Policy TC2, Part F). In this policy context, on 1 September 2020 the Government created a new Class E use which consolidated use Classes A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), B1 (business) and some D1 (non-residential institution) and D2 (assembly and leisure) into a single use class. The changes to the Use Classes order signified the Government's intent to provide more flexibility for town centres, and recognised the important role non-traditional A1 retailers can play in contributing to the vitality and viability of centres by allowing more diversification in a way that can respond to rapid changes in the retail and leisure sectors. Use Class E is now well embedded across the planning system in England.

Whilst the e-gaming element of the proposed use does not neatly fit within the planning use classes, in many respects its food and beverage offer is akin to that already permitted under Use Class E. The leisure element i.e. the gaming itself, which would be a customer's primary purpose to visit the venue is considered a suitable *Sui Generis* use in this town centre location.

Given the nature of the use, and the fact that it would be predominately contained within the upper basement floor, we do not believe it will undermine the mix of uses or wider role of this Primary Frontage on New Oxford Street. In fact, with an active shopfront, bringing a vacant unit back into active economic use, and supporting the wider day, evening and night time economy of the CAZ, is considered to be a benefit which militates strongly in its favour. In this regard there are a number of examples of where similar concepts have been accepted across London, for example 51-53 Eastcastle Street in Westminster⁴ and 2B Worship Street in Islington⁵ for e-sports premises with associated restaurant and bar functions.

Notwithstanding the above, and in the spirit of flexibility and futureproofing to respond to market needs, this application seeks a dual use of 106b New Oxford Street to enable the unit to revert back to another appropriate town centre use (under flexible Use Class E) at the end of the proposed tenant's term, should that scenario arise.

Having established the acceptability of the proposed use class in the context of relevant policy, we turn to the other tests set out in CLP Policy TC4 and A1, specifically those relevant to consideration of character, amenity, function, vitality and viability of a centre. These matters are addressed in turn as follows.

⁴ LB Westminster planning ref. 20/02457/FULL

⁵ LB Islington planning ref. P2018/3032/FUL

Amenity

The experiences and services offered by Platform are *not* comparable to that of a late-night bar or nightclub. Whilst open later into the evenings, the e-gaming and accompanying food and beverage offer of the premises will be confined to the upper basement floor, with the entrance foyer at ground floor level where customers will proceed straight own to a reception area. It is therefore anticipated that any acoustic effects generated from the proposal would be well contained and not adversely impact neighbours. In this context it is again relevant to note this is a busy town area, with the nearest sensitive residential receptors located a significant distance away.

Opening hours are expected to be commensurate with the commercial nature of the area. The proposed tenant anticipates operating within the following times to meet the needs of the business model:

- Monday – Saturday: 12:00 – 00:00; and
- Sunday: 12:00-22:00

The e-gaming venue and its restaurant/bar would be managed in a similar way to a hospitality venue, with customers able to pre-book timeslots (up to 90 minutes) for gaming and food/drinks, with walk-ins managed within the ground floor reception area.

Air conditioning and ventilation will be provided throughout the entire space, as per relevant regulations with fresh air circulation for guests but also accounting for cooking appliances in addition to the gaming equipment. Extracts will be present in the kitchen area to ensure no odour leaves this space, with canopies installed above all cooking appliances including ovens and fryers.

Refuse and recycling will also be undertaken as per the existing arrangements, with bins placed at the rear of the unit, to the side of the carriageway on Bainbridge Street. A commercial waste contractor will be appointed to collect the waste from this location, thus avoiding collection from the busy A40 (New Oxford Street) at the front of the premises.

Transport

In accordance with the principles of the LP, CLP Policy T1 and T2, no car parking for customers or staff is proposed at 106b New Oxford Street. The location of the site is supported by excellent transport connections, having a PTAL rating of 6b (the highest public transport accessibility), which therefore supports sustainable travel choices to and from the site. For those with mobility difficulties, there are several car parking spaces to the rear of the property, within the carriageway, on Bainbridge Street.

In regard to cycle parking, should customers wish to travel to the site via bike, 13 freestanding bike stands are available adjacent Tottenham Court Road tube station (c.120 metres to the west). In addition, c. 20 cycle hire bike stands are located c.100 metres to the north, with an e-scooter and cycle hire parking area located opposite the site. Further short-stay cycle parking is not considered appropriate on the adjacent footway given its width and high levels of footfall. Staff will have access to secure cycle parking provided within the demise of the building, but beyond the boundaries of this application.

Deliveries & Servicing

As per the existing arrangements, deliveries and servicing of the premises will occur through the back of the unit. Spaces within the carriageway are evident on Bainbridge Street to the rear which will facilitate these arrangements. No impact from delivery and servicing vehicles is therefore anticipated on the main carriageway (New Oxford Street), to the front of the site.

Heritage

CLP 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, listed buildings and archaeological remains.

Given the proposal relates to the proposed change of use of the premises only, predominately at upper basement level, and the fact no physical external alterations are sought, there would be no effect on the setting of the conservation area, nearby listed buildings or upon archaeology.

Concluding Remarks

Overall, we consider this application to comply with the development plan. It will bring a vacant ground floor unit back into economic use, make more efficient use of an underutilised basement space, will create jobs and support the day, evening and nighttime economy in this important central location. No development management issues have been identified arising from the change of use.

We trust the enclosed information is satisfactory to enable the Council to validate and determine this application within the statutory period. Should you require any further information, please do contact me or my colleague, Alan Hughes, at this office.

Yours faithfully,



Joe Thompson

Senior Planner

BSc (Hons) MPhil AssocRTPI

Annex 1: Relevant Planning History of 106b New Oxford Street

Application Ref.	Description of Development	Decision
2011/5087/P	Change of use of retail shop (Class A1) at the basement and ground floor to dual use Class A1 (shops) and Class A2 (financial and professional services)	Approved (16.12.11)
2015/5800/P	Change of use of ground floor and basement from retail use (Class A1) to a mixed use of retail (Class A1) and restaurant/café (Class A3)	Refused (07.03.16) Allowed at Appeal (19.09.16)
2022/4578/P	Alterations to ground floor shopfront, involving the replacement of existing frameless glass doors and a glazing panel with 2 sets of framed glass doors and a glazed overpanel	Approved (11.01.23)