

10 May 2024



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Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)  
SUBMISSION OF AN APPLICATION FOR FULL PLANNING PERMISSION  
51-52 TOTTENHAM COURT ROAD, LONDON, W1T 2EQ**

On behalf of our Client, Savills have been instructed to prepare and submit this application seeking full planning permission for development proposals at 51-52 Tottenham Court Road, London, W1T 2EQ. The proposals can be described as follows:

*“Change of use from office (use class E(g)(i)) to 3no. residential dwellings (use class C3) at first to third floor levels, associated refuse and cycle storage, external alterations to involve the increase in height of the existing ground floor extension and replacement of existing first floor rear extension, installation of new shopfront and amalgamation of ground floor retail units into a single unit”.*

This application is submitted following a recent planning appeal decision related to very similar proposals at the site (APP/X5210/W/23/3321648). The planning appeal was dismissed however the reason for refusal related solely to concerns over the proposed living conditions in the flat proposed at first floor level. All other matters were considered to be acceptable, including the principle of the change of use and the living conditions provided within flats at second and third floor levels. Following receipt of the Planning Inspector's decision, the applicant has worked with their design team to bring forward amended proposals which alter the layout of the proposed flat at first floor level in order to overcome the reason for refusal.

In addition to this planning appeal decision, the site also benefits from extant planning consent which allows for an increase in height of the ground floor rear extension and rebuilding the first floor rear extension, as well as the amalgamation of the two ground floor retail units into a single unit. This application was granted on 10<sup>th</sup> November 2022 under planning reference 2022/2612/P.

This planning application seeks to encompass all the consented elements within a new consent which also includes the change of use of the upper floors to residential use. A similar approach was taken in the application subject to the recent planning appeal decision as previously referenced.

This Statement sets out the background to the application and provides an assessment of the proposals in relation to planning policy and all other material considerations. The recent planning appeal decision is a material consideration in this case and will be referenced where relevant throughout this document. This Statement has been prepared following an examination of the site and surroundings, research into the relevant planning history of the site and a review of relevant adopted and emerging planning policy. This document should be read in conjunction with the following documents which are submitted as part of the application:

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East.

Savills (UK) Limited. Chartered Surveyors. Regulated by RICS.

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- Completed application form (prepared via the Planning Portal)
- Completed CIL additional information form 1
- Site and location plans, prepared by Goldstein Heather Architecture
- Existing and proposed plans, elevations and sections, prepared by Goldstein Heather Architecture
- Design and access statement, prepared by Goldstein Heather Architecture
- Marketing report and associated letter, prepared by Robert Irving Burns

The relevant application fee will be paid under separate cover via the Planning Portal.

In our view taking account of all relevant material considerations and as demonstrated within this Statement and supporting documentation, the proposals are acceptable and should be considered favourably with a view to granting planning permission.

### Site and Surroundings

The application site comprises of the properties know as 51-52 Tottenham Court Road, London, W1T 2EH. The site is located on the western side of Tottenham Court Road and forms part of a terrace of properties located between Windmill Street to the south and Goodge Street to the north. Properties fronting Whitfield Street bound the site to the west (rear) of the site, whilst the carriageway of Tottenham Court Road is located to the east.

The properties are both four storeys in height above ground, with partial basement level. The application site currently comprises of a mix of uses comprised of a mix of retail (at ground and basement floor level), offices (on the upper floors of no.52) and residential (4no. dwellings) (on the upper floors of no. 51) uses. The office space on the upper levels of no.52 have been vacant for a significant period of time. The predominant land use context in the vicinity of the site is similar to that of the application site.

The application properties are located at the eastern edge of the Charlotte Street Conservation Area where its borders the Bloomsbury Conservation Area (properties to the east of Tottenham Court Road are located within the Bloomsbury Conservation Area). The site is further designated with the Tottenham Court Road Local Centre and within the Central Activities Zone. The site is also located within the area covered by the Fitzrovia Area Action Plan. The site sits within a protected vista which runs from Parliament Hill to the Palace of Westminster.

The site is located approximately 500m south of Goodge Street London Underground Station and is approximately 0.2 miles north of Tottenham Court Road London Underground station. The site is also well served by a number of bus routes which run along Tottenham Court Road. The site is therefore very well connected by public transport, evidenced by its Public Transport Accessibility Level (PTAL) of 6b.

### Planning History

The site has been subject of a number of applications of varied nature over a number of years. Over recent years, the site has been subject to similar development proposals to that which forms part of this application. This includes a recent appeal decision which, whilst refused, was largely considered to be acceptable. The only matter for refusal relating to living conditions has been addressed as part of this application.

Details of recent and relevant applications are set out below.

Application reference	Description of development	Decision and date
2009/5669/P	Erection of six storey building and excavation of basement to create retail space (Use Class A1) t ground and basement levels, and 3 x 2 bedroom flats, 2 studio flats (Use Class A3) and 20 bedrooms for student accommodation with shared facilities (Sui Generis) on the floors above, following demolition of the existing buildings.	Refused 24 <sup>th</sup> August 2010

2011/2286/P	Erection of roof extension to 4 <sup>th</sup> floor and alterations to front elevation in connection with the provision of additional 2-bed self-contained flats (Class C3).	Refused 17 <sup>th</sup> October 2011  Appeal dismissed 26 <sup>th</sup> April 2012
2018/3565/P	Excavation of new basement and lowering of existing basement floor level by 1.0m; installation of 2 x new shopfronts.	Granted 5 <sup>th</sup> February 2020
2019/5320/P	External alterations including increase in height of existing ground floor rear extension and replacement of existing first floor rear extension.	Granted 4 <sup>th</sup> February 2020
2022/2612/P	External alterations including increase in height of the existing ground floor rear extension and replacement of existing first floor rear extension, installation of new shopfront and amalgamation of 2 ground floor retail units into a single retail unit (Class E).	Granted 10 <sup>th</sup> November 2022
2022/3320/P	Change of use from office (E(g)(i)) to 3no. residential dwellings (C3) on the 1 <sup>st</sup> , 2 <sup>nd</sup> and 3 <sup>rd</sup> floors, with associated refuse and cycle storage and external alterations to involve increase in height of the existing ground floor extension and replacement of existing first floor rear extension, installation of new shopfront and amalgamation of retail units into a single ground floor retail unit.	Non-determination appeal dismissed 11 <sup>th</sup> March 2024

Of particular relevance to this application are the two most recent planning decisions made relating to the site.

Planning permission was granted for external changes to the building, including increases in height of the existing ground floor rear extension and replacement of the existing first floor rear extension, in conjunction with the amalgamation of the 2 ground floor retail units into a single retail unit in November 2022. This consent remains extant and implementable until November 2025. The consented changes to the property granted under planning permission reference 2022/2612/P would be carried out in conjunction with the proposed change of use of the upper floors proposed as part of the application to which this Statement relates. For comprehensiveness, the consented changes are included as part of this application so that works can be carried out in line with a single planning consent. The proposals do not seek to alter any of the elements that have previously been consented under 2022/2612/P and this permission is a material consideration. Given this has previously been considered acceptable (and given that there has been no material changes to the adopted development plan since this permission was granted), it is considered that this remains acceptable. As a result, it is only for this application to consider the acceptability of the proposed change of use and resultant quality of accommodation.

Also of relevance to this application is a previous application made under reference 2022/3320/P which sought consent for a very similar development to the current application. The application similarly sought consent for the change of use of the 1<sup>st</sup> to 3<sup>rd</sup> floor levels of the building, in conjunction with the works consented under permission reference 2022/2612/P. A planning appeal against the Council's non-determination of the application was dismissed on 11<sup>th</sup> March 2024, however, the decision to refuse consent related solely to the standard of accommodation within the first floor flat, specifically the single bedroom proposed. It should be noted that the Inspector considered the change of use to be acceptable. Following receipt of this decision, the applicant has sought to alter the scheme to overcome the sole reason for refusal. This involves an alteration to the layout of the first floor flat such that the single bedroom of concern is removed. Full details of the revised proposals are set out below.

## Proposals

As referenced above, the proposals are similar to those considered under planning reference 2022/3320/P albeit include a reconfigured first floor layout to address the Planning Inspector's comments. The proposals continue to include the external alterations and amalgamation of the ground floor retail units, as consented under planning reference 2022/2612/P. Full details of the proposals are set out within the supporting Design and Access Statement and are illustrated on the proposed plans, prepared by Goldstein Heather Architecture. A summary of the proposals is set out below.

### Ground Floor Level

At ground floor level, the proposals include the amalgamation of the two existing retail units in order to provide a single ground floor unit with new shop frontage. External alterations including the increase in height of the existing ground floor rear extension (in conjunction with the replacement of the existing first floor extension) are also included within the proposals. These elements of the proposal have previously been granted planning consent under reference 2022/2612/P.

Cycle storage will be provided at ground floor level within the residential access corridor. Access to the proposed new residential units on the upper levels will be via the existing ground floor entrance to the northern end of the site.

### Upper Floors

The existing residential uses on the upper floors of No.51 will remain unaltered. Above No.52 it is proposed to convert the existing office floorspace (which has been vacant for some time despite extensive marketing) to 3no. residential flats. Each of the residential flats will comprise a single floor and will be accessed via the existing core serving the upper floors. The flat proposed at first floor level will be brought forward with a living and kitchen space at the front of the property, served by the windows looking over the street, with a double bedroom to the rear. This property has been sized as a 1b2p property. The dwellings at second and third floor levels will be brought forward as 1b1p dwellings of an identical layout mirrored across the two floors.

## Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires that applications for planning permission are determined in accordance with the development plan for an area, unless any material considerations indicate otherwise. This legal requirement is reiterated within the introduction to the National Planning Policy Framework (NPPF).

In this case, the adopted development plan comprises of the following documents:

- London Borough of Camden Local Plan (July 2017)
- Fitzrovia Area Action Plan (March 2014)
- London Plan (March 2021)

The London Borough of Camden's Local Plan sets out the Council's strategic vision and objectives for development in the borough over the plan period and included specific development management policies which seek to deliver these aims. The Fitzrovia Area Action Plan has been prepared to shape the future of Fitzrovia specifically. The London Plan is prepared by the Mayor of London and sets out the Spatial Development Strategy for Greater London.

### Emerging Planning Policy

The Council are currently in the process of undertaking a review of their Local Plan policies and consulted on a draft version of their new Local Plan (Regulation 18) between January and March 2024. The Council are

currently in the process of considering the responses received and are intending to publish an updated version of the Plan for further consultation (Regulation 19) later this year.

The draft Plan is currently at an early stage of preparation and in light of this is considered to hold limited weight in the determination of applications taking account of the principles set out at paragraph 48 of the NPPF.

#### National Planning Policy Framework (NPPF) (December 2023)

The NPPF does not form part of the adopted development plan, however is an important material consideration in all planning decisions, and sets out the Government's planning policies. The latest revision of the NPPF was public in December 2023.

The NPPF outlines the presumption in favour of sustainable development (paragraph 11) and continues to promote and support the development of under-utilise land and buildings, especially where this would meet identified needs for housing where land supply is constrained, including converting space above shops (paragraph 124).

#### Other Material Considerations

In addition to the adopted development plan, the Council have prepared a suite of guidance documents which are material considerations in planning decisions in the borough. These documents are referenced where appropriate throughout this statement.

#### **Planning Considerations**

The following section of this report provides consideration of the proposals, taking account of the policies within the adopted development plan and other material considerations.

As has been set out previously within this document, this application is made following the determination of a planning appeal related to very similar proposals under reference (APP/X5210/W/23/3321648). The appeal was dismissed for a single reason related to the quality of residential accommodation within the flat provided at first floor level. All other matters were considered to be acceptable. This appeal decision is a material consideration in this case and establishes the acceptability of the following:

- The principle of the change of use of the upper floors from office to residential
- The acceptability of the standards of accommodation provided within flats at second and first floor
- The acceptability of the proposed unit mix
- The acceptability of matters relating to cycle parking
- That the development would be acceptable from a design perspective
- That the development would not cause any harm to the character and appearance of the Charlotte Street Conservation Area
- That the development would not bring rise to any impacts to neighbouring residential properties

Following receipt of the appeal decision, the appellant has sought to address the Inspector's sole area of concern through a revised first floor layout. The revised layout maintains a main living/kitchen space to the front of the property and double bedroom to the rear, both of which were considered to be acceptable within the appeal scheme. The single bedroom previously provided centrally in plan (which was identified as being the sole area of concern) has been omitted from the proposals and this central area is utilised for a WC and utility space.

The revised layout suitably overcomes the sole area of concern identified by the Planning Inspector within the recent appeal decision. As a result of these changes, it is ensured that a high quality of accommodation is delivered within the first floor unit. The proposed amendments ensure that the Inspector's comments are overcome.

All other areas of the proposals remain as previously considered and as confirmed to be acceptable by the Planning Inspector.

## **Conclusions**

This Planning Statement has been prepared by Savills in support of a planning application related to proposals for 51-52 Tottenham Court Road, London, W1T 2EQ.

This application is submitted following a recent planning appeal decision related to very similar proposals at the site (APP/X5210/W/23/3321648). The planning appeal was dismissed however the reason for refusal related solely to concerns over the proposed living conditions in the flat proposed at first floor level. All other matters were considered to be acceptable, including the principle of the change of use and the living conditions provided within flats at second and third floor levels. This application brings forward a revised first floor layout to overcome the sole area of concern raised by the Inspector. The revised layout ensures a high-quality living environment for future occupiers of this unit. All other matters remain acceptable.

The proposals are considered to fully address the previous reasoning for refusal and are acceptable taking account of all material considerations.

I trust that the above is clear and is sufficient information to allow you to validate and determine this application. Should you require any further information, please do not hesitate to contact me using details set out the head of this letter.

Yours sincerely,

A handwritten signature in dark ink, appearing to read "Joe Oakden", written in a cursive style.

Joe Oakden MPLAN MRTPI  
Savills (UK) Ltd