

# CENTRE POINT

PLANNING STATEMENT – APPLICATION 1A  
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**Centre Point, 101 and 103 New Oxford Street and 5-24 St Giles  
High Street, London, W1 (Application 1A)  
Planning Statement**

On behalf of: Almacantar (Centre Point) Limited

**2 April 2013**

**Prepared by Gerald Eve LLP**

**HJWB/FCW/SGP/J6350**

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# 1 Executive summary

- 1.1 The revised application proposals brought forward by Almacantar and designed by Conran and Partners and Rick Mather Architects address the reasons for refusal of the previous applications for the regeneration of this site.
- 1.2 Camden Council's Development Control Committee resolved to refuse the previous applications for planning permission and listed building consent (2012/2895/P and 2012/2897/L) on 20 September 2012 and the decision notices were issued on 27 September 2012. The substantive reasons for refusal were:-

## Planning permission

- Reason 1 – Insufficient information was provided to demonstrate that the proposed closure or diversion of St Giles High Street would not have a detrimental impact on local roads in the area and the Strategic Road Network, including bus routes and bus stop/stand locations.
- Reason 2 – Insufficient justification for the shortfall in provision of on-site affordable housing and why it is not currently possible to deliver affordable housing off-site, in accordance with the Council's affordable housing target, the development fails to contribute the maximum reasonable amount of affordable housing.
- Reason 3 – The proposed conversion of the restaurant/bar on the 31<sup>st</sup>, 32<sup>nd</sup> and 33<sup>rd</sup> floors of Centre Point Tower to residential uses would result in a tall building without any publicly accessible areas on the upper floors.
- Reason 4 – The provision of car parking spaces in the proposed development would fail to promote more sustainable and

efficient forms of transport.

Reason 5 – The inclusion of a drop off/pick up area on New Oxford Street would be likely to impact on pedestrian amenity and highway safety.

### **Listed Building Consent**

Reason 1 – The proposed glazing under the link bridge, by virtue of infilling of the space would alter its appearance as a bridge and alter the composition of Centre Point as a whole, thus harming the special interest of the listed building.

Reason 2 – The alterations to the building's façade results in the loss of original fabric and alters the appearance of the building, thereby harming the architectural and historic interest of the building.

- 1.3 In light of the reasons for refusal, the regeneration proposals for Centre Point have been revised to include the following changes:-

### **Closure of St Giles High Street**

- 1.4 The previous application proposals have now been divided into two parts.
- 1.5 All works relating to the closure of the road including the creation of a new public square and the new retail unit under Centre Point Link will be brought forward as a separate application (to be known within this document as Application 2).
- 1.6 This application will be brought forward once the required transport modelling has been completed by TfL and the London Borough of Camden has undertaken public consultation on the wider public realm proposals for the area.

- 1.7 Almacantar is committed to enabling the delivery of the new public square as soon as the required background work has been completed by TfL and Camden.
- 1.8 It is considered that this application (Application 1A) is acceptable in planning terms in its own right whether or not Application 2 is brought forward.
- 1.9 The application to which this planning statement relates is known as Application 1A and includes all work relating to CPT, CPL, CPH and the public house immediately adjacent to CPH. It also includes the basements under the buildings.

### **Affordable Housing**

- 1.10 Almacantar has purchased the public house to the south of CPH, at 15 St Giles High Street, The Intrepid Fox, to enable the delivery of on-site affordable homes in a high quality, self-contained block which can be effectively managed as affordable housing.
- 1.11 This acquisition was completed in order to respond directly to Camden's request to provide on-site affordable housing.
- 1.12 The proposals involve the demolition and redevelopment of the existing pub to provide flexible retail use (Class A1/A3/A4) at ground floor level and 13 affordable homes above.
- 1.13 It should be noted that a separate application known as Application 1B has also been submitted for the site. Application 1B is identical to this application in all respects other than the design of the replacement affordable housing block on the pub site and the quantum of homes delivered. Application 1B will deliver 16 affordable homes within a slightly larger building whereas this application (Application 1A) will deliver 13 affordable homes.

### **Public Access to the top of CPT**

- 1.14 There is no planning policy which protects either the existing restaurant use or requires the provision of public access within existing buildings.
- 1.15 Notwithstanding this, extensive analysis has been undertaken to consider whether public access can be reasonably and practically incorporated within Centre Point Tower ("CPT") when the building is changed to residential use.
- 1.16 These assessments have considered design and layout requirements including servicing, operational sustainability and financial viability (of the proposals as a whole) of including either a restaurant or a viewing gallery within the existing, listed building.
- 1.17 These assessments conclude that a single floor viewing gallery could be provided at 33<sup>rd</sup> floor level which would provide 360 degree views. This option is likely to attract 450,000 visitors per day of which, only 360,000 could be accommodated due to capacity constraints. This offer does not however, have the potential to be commercially sustainable at a trading level even if the upper end of the pricing scale being achieved as it cannot provide an acceptable return on turnover. It is also severely compromised from a practical/management perspective and is still not considered likely to be attractive by operators.
- 1.18 But, the inclusion of single floor of public access at levels 30, 31, 32 or 33 as either a restaurant or a viewing gallery will impact upon the overall viability of the scheme to such an extent that no affordable housing could be included as part of the proposals.
- 1.19 This would also result in the ground floor being shared between the residential use and any other use included within the building without any meaningful separation between the different users. The potential impact on the amenity of the residential tenants would be significant.



- 1.20 These assessments are submitted as part of the application documentation and further detail is set out in section 8 of this statement.

### **Car Parking**

- 1.21 The building was built with 153 car parking spaces of which 69 are currently used on a permanent basis.
- 1.22 The previous proposals retained 36 spaces and this has been reduced by a further 50% to 17 spaces plus one service space.
- 1.23 This significant reduction in existing car parking is considered to uphold the principles of sustainable travel.
- 1.24 A detailed assessment of potential alternative uses for the area of basement where existing parking will be retained has been undertaken and is attached as appendix 5 of the Design and Access Statement and further detail is set out in section 8 (paragraphs 8.277-8.292) of this report.

### **Drop off Point**

- 1.25 This has been removed from the scheme.

### **Retail Unit under CPL**

- 1.26 This element of the proposal will come forward as part of Application 2.

### **Facades**

- 1.27 Further clarification and justification are provided for the proposed works which would restore and regenerate this listed building.
- 1.28 This is provided in Section 6 of the Design and Access Statement.

- 1.29 The proposals for the facades of the buildings have been developed in consultation with officers of London Borough of Camden, English Heritage, the Design Council and the 20<sup>th</sup> Century Society.
- 1.30 In addition the applicant has held numerous meetings with officers, Councillors and the local community to address other matters raised during the course of the previous applications.
- 1.31 The revised proposals will regenerate Centre Point, providing a sustainable mix of housing and retail floorspace. The area around Centre Point is currently dominated by roads and provides an inhospitable, illegible and impenetrable environment. The regeneration proposals for Centre Point will rejuvenate and transform the area and deliver the following benefits:
- a. Retention and comprehensive restoration of the existing Grade II listed building and secure its long term future;
  - b. The provision of 82 new homes;
  - c. The provision of at least 13 self-contained affordable homes on site to enable Camden's affordable housing needs to be met;
  - d. The provision of 8,155 square metres of high quality retail floorspace;
  - e. New and flexible employment opportunities and a range of jobs across the site;
  - f. The creation of new and safe pedestrian routes through the site to integrate the site with the local area, enable the implementation of the wider public realm enhancements for St Giles Circus and create linkages between Oxford Street, Soho and St Giles and Covent Garden beyond;

- g. High quality, attractive design which complements the identified special interest of the listed building and will provide an exemplary background to the new public space when it is brought forward through application 2;
- h. Creation of a safe and secure environment for existing and future residents, employees and visitors.

- 1.32 When Almacantar approached LB Camden in 2011 to advise that they had acquired Centre Point and intended to restore and retain the existing buildings around a public square, both parties recognised the opportunity to deliver a well-considered, mixed use development comprising high quality retail floorspace around a new public space for the Borough and London as a whole.
- 1.33 Critically, the proposals would regenerate the listed building and public realm at this strategic location, at the entrance to Camden via the new Crossrail Station at Tottenham Court Road and adjoining London's premier shopping street. It would deliver significant benefits and integrate Oxford Street to New Oxford Street and Covent Garden.
- 1.34 The proposals meet London Plan and LB Camden's policy tests in respect of the proposed change of use of the building and the provision of the maximum reasonable amount of affordable housing.
- 1.35 The application proposals would achieve this and comply with Development Plan policies, and guidance and standards contained therein. The scheme fully addresses the principles contained in the newly issued National Planning Policy Framework, the London Plan and the LB Camden Local Development Framework.

## 2 Introduction

- 2.1 Almacantar (herein referred to as “the applicant”) is bringing forward regeneration proposals for Centre Point (“the site”) in the London Borough of Camden (herein referred to as “LBC”).
- 2.2 This Planning Statement has been prepared by Gerald Eve LLP in support of an application for planning permission and listed building consent on behalf of the applicant for refurbishment, extensions, partial demolition and alterations to the existing listed building known as Application 1A. A separate Planning Statement is submitted in respect of the planning and listed building consent applications submitted as Application 1B.
- 2.3 The proposals are described in greater detail in Section 5 of this Statement, but in summary, planning and listed building consent applications for Application 1A are submitted for:

a) Planning permission

Change of use of Centre Point Tower from office (Class B1) and restaurant/bar (Sui Generis) use to residential use (Class C3) to provide 82 residential units and ancillary residential floorspace (spa, gym and pool). Change of use of Centre Point Link from office (Class B1) and bar (Class A4) use to flexible retail/restaurant/bar (Class A1/A3/A4) use. Change of use of Centre Point House at first and second floor levels from office (Class B1) use to flexible retail/restaurant/bar (Class A1/A3/A4) use and alterations and extensions to the existing building at ground floor level to provide flexible retail/restaurant/bar (Class A1/A3/A4) use. Demolition and redevelopment of the adjoining public house to provide flexible retail/restaurant/bar (Class A1/A3/A4) at ground floor level with 13 affordable housing units above within an 11 storey building (including basement). Alterations to the exterior of Centre Point Tower, Centre Point Link and Centre Point House including the replacement and refurbishment of the facades including fenestration and shopfronts, new

pedestrian link through Centre Point House and associated basement car parking, terraces, landscaping, servicing and access arrangements, and extract ducts.

#### b) Listed building consent application

Internal and external alterations including the relocation internally of the existing external ground and mezzanine eastern and western staircases, and the replacement and refurbishment of the facades including fenestration and shopfronts, all associated with the change of use of Centre Point Tower from office (Class B1) and restaurant/bar (Sui Generis) use to residential use (Class C3) to provide 82 residential units and ancillary residential floorspace (spa, gym and pool). Change of use of Centre Point Link from office (Class B1) use and bar use (Class A4) to flexible retail/restaurant/bar (Class A1/A3/A4) use.

Demolition and redevelopment of the adjoining public house to provide an eleven storey building (including basement) comprising flexible retail/restaurant/bar (Class A1/A3/A4) use at ground floor and 13 units above. Change of use of Centre Point House at first and second floor level from office (Class B1) use to flexible retail/restaurant/bar (Class A1/A3/A4) use. Alterations and extensions to the existing building at ground floor level to provide flexible retail/restaurant/bar (Class A1/A3/A4) use and associated basement car parking, terraces, a new pedestrian link through Centre Point House, servicing and access arrangements, and extract ducts.

#### 2.4 The sections of this Statement are set out to provide:

- A description of the site and surrounding context in Section 3;
- Details of the site's background and planning history in Section 4;
- Details of the development proposals in Section 5;
- Details of the consultation undertaken at pre-application stage in Section 6;
- The relevant planning policy framework in summarised in Section 7;
- Consideration of the material planning considerations arising from

the application proposals in Section 8;

- Planning obligations in Section 9; and
- Conclusions in Section 10.

2.5 This planning statement is one of a suite of documents, which has been submitted in support of the applications for planning permission and listed building consent. A list of documents submitted as part of these applications is attached at Appendix 1.

2.6 This planning statement provides a comprehensive review of national, regional and local planning policy and guidance relevant to the nature of the development proposals and assesses the degree to which the proposals would conform to the requirements of the statutory development plan and other material planning considerations, in accordance with the requirements of section 38(6) the Planning and Compulsory Purchase Act 2004.

2.7 The proposals have been subject to extensive pre-application negotiations with planning and urban design officers at the London Borough of Camden (LBC), other relevant officers and Councillors. Pre-application discussions have also taken place with statutory and non-statutory, local groups and residents. Specifically the following groups have been consulted at pre-application stage:

- Camden Council
- English Heritage
- The Design Council (formerly CABE)
- 20<sup>th</sup> Century Society
- Transport for London
- London Underground
- Gillespies
- Metropolitan Police
- St Giles Church
- Local Ward Councillors

- 2.8 Section 6 of this Statement and the Statement of Community Involvement prepared by Indigo Public Affairs sets out additional detail in respect of the community engagement process undertaken by the applicant for these proposals.
- 2.9 The proposals have evolved and have been significantly revised to address the London Borough of Camden's reasons for refusal of the previous applications on 20 September 2012 (2012/2895/P and 2012/2897/L).
- 2.10 The 0.78 hectare application site forms an "island" bounded by New Oxford Street to the north, Charing Cross Road to the west, Earnshaw Street to the east with St Giles High Street running through the site from south to north.
- 2.11 The application site is made up of four elements; the 36 storey (including roof plant and mezzanine) Centre Point Tower, Centre Point Link, Centre Point House and the adjacent public house. The building comprises a mix of office, residential, retail, restaurant and bar accommodation.
- 2.12 Section 7 of this Statement sets out the policy context relevant to the site but in summary, the Local Development Framework (LDF) Core Strategy proposals map designates the application site as falling within the Central London Area, the Tottenham Court Road Growth Area, the Denmark Street Conservation Area and the site is designated as a Central London Frontage.
- 2.13 Policy CS2 of the adopted Core Strategy identifies the site within the Tottenham Court Road Growth Area. The aspirations set out within this policy comprise:
1. A balanced mix of uses, including housing and affordable housing, significant provision of offices and other employment opportunities, community facilities, and retail to support the Central London Frontages of Charing Cross Road, Tottenham Court Road and the western end of New Oxford Street;

2. An excellent public realm, with an improved network of safe and attractive places and routes for pedestrians and cyclists, that successfully links to the neighbouring areas (particularly the growth area at Holborn, Covent Garden, Bloomsbury and Oxford Street) and reduces dominance of traffic in the area);
3. Maximising densities compatible with the local context, sustainable design principals and public transport capacity;
4. Development of the highest quality and sustainable design as befits an historic area in the heart of London, which preserves local amenity and seeks to enhance and preserve the character and appearance of conservation areas;
5. Remedying lack of open space in the area through on-site provision or contributions to assist in the provision of new spaces.

2.14 These proposals support the Council's aspirations for this area.

### **Environmental Impact Assessment**

2.15 A Formal Scoping Report was submitted to LBC on 21<sup>st</sup> February 2013. At the time of going to print an EIA screening opinion has not yet been received from LBC. However, given the scale of development and prominence of the site, the Applicant has instructed URS to prepare an ES in line with the EIA Regulations 2011 and relevant guidance. The planning application is therefore an "EIA Application" within the meaning of regulation 2(1) of the EIA Regulations: see regulation 4(1),(2)(a).

### **Background to the Applicant**

2.16 Almacantar is a private property company specialising in the central London market and purchased the site in 2011. The company was formed in 2010 and is led by Mike Hussey, formerly Managing Director of the London Portfolio at Land Securities and prior to that was Head of Leasing at Canary



Wharf. Almacantar has an in-house team of 23 employees with a blend of asset management and development skills and strong track record in delivering large-scale mixed-use projects in central London. To date the company has acquired Centre Point, Marble Arch Tower, CAA House and 466 Edgware Road.

### 3 Site and Surrounding Context

- 3.1 The site is located within the London Borough of Camden to the west of the borough, adjacent to the Borough boundary of the City of Westminster which runs along Charing Cross Road immediately to the west of the site.
- 3.2 A site location plan is appended at Appendix 2.
- 3.3 The site is Centre Point (which includes; Centre Point Tower, Centre Point Link and Centre Point House) which is located at 101 and 103 New Oxford Street and 5-24 St Giles High Street, London, W1. The Public House site at 15 St Giles High Street, currently occupied by The Intrepid Fox, is also included as part of the proposals.
- 3.4 The site occupies an area of approximately 0.78 hectares and is located in a prominent position at the south eastern corner of St Giles Circus.
- 3.5 The site forms an 'island' bounded by New Oxford Street to the north, Charing Cross Road to the west, Eamshaw Street to the east with St Giles High Street running through the site from north to south.
- 3.6 The site, whilst constructed as a single composition, is made up of three, architecturally distinct building elements which are all linked internally:
  1. Centre Point Tower (herein referred to as "CPT");
  2. Centre Point Link (herein referred to as "CPL"); and
  3. Centre Point House (herein referred to as "CPH").
- 3.7 The adjoining public house (herein referred to as "the pub site") forms part of the composition of CPH but it is not linked structurally to the rest of the building. It does, however read visually as part of CPH.
- 3.8 The building was built to the design of Richard Seifert in the 1960's (between 1961 and 1966) and was included in the Statutory list of buildings of Special Architectural or Historic Interest in 1995, listed as Grade II. The building also

falls within the Denmark Street Conservation Area.

- 3.9 The sections below provide a summary of each element of the site and further detail can be found in the Design and Access Statement prepared by Rick Mather Architects and Conran and Partners.

### **Centre Point Tower**

- 3.10 Centre Point Tower (CPT) is a slender, slightly convex 36 storey building supported on distinctive pilotis clad in grey ceramic mosaic. The building contains office (Class B1) use at ground floor to 30<sup>th</sup> floor level, a restaurant / bar at 31<sup>st</sup>, 32<sup>nd</sup> and part 33<sup>rd</sup> floor level, with associated plant at part 33<sup>rd</sup> and 34<sup>th</sup> floor level. The building reaches a height of 141.060 metres (AOD).
- 3.11 CPT comprises a large double-height ground floor entrance lobby, with an upper ground mezzanine level accessed via external staircases on the building's eastern and western facades.

### **Centre Point Link**

- 3.12 CPL connects CPT to CPH and spans across the northern end of St Giles High Street. It has two storeys, the lower of which is a double-height space created by a post-tensioned reinforced slab structure. This is supported on six columns and cantilevers up to the eastern façade of CPT allowing a significant expanse of glass on the northern and southern facades of CPL.
- 3.13 This element is currently occupied by conference facilities falling within ancillary Class B1 use.
- 3.14 The upper floor of CPL comprises a recessed storey beneath a sculptural roof. This is occupied as offices falling within Class B1 use.
- 3.15 CPL also contains a retail unit, currently operating as a bar (Class A4) use, which was known as Bar 101, it is now operated as Apartment 58. This is located at the north-eastern corner of the building at the Earnshaw Street /

New Oxford Street Junction, and occupies part basement, ground and mezzanine floors.

### **Centre Point House**

- 3.16 CPH is a ten storey building including two mezzanine levels and forms the eastern boundary of the complex. The building comprises a glazed frontage to the retail units at ground and mezzanine level, a distinctive two storey concrete “Brise Soleil” above and a further six storeys above this.
- 3.17 The building contains retail uses at ground and mezzanine level with offices at first and first floor mezzanine level which are accessed laterally from CPT and CPL. The building then has an open level containing plant and services with six storeys of residential accommodation above accessed by two staircases at the northern and southern ends of the building. There are 36 residential units located in this part of the site of which the applicant controls ten.
- 3.18 All three elements of the site connect to a basement and sub-basement level which extends under the existing road. It currently accommodates car parking (69 spaces), servicing and plant space.

### **The pub site**

- 3.19 This element comprises four stories with a pub (Class A4) use at ground and first floor level and ancillary storage space for the pub on the two upper floors.
- 3.20 The southern elevation of this element is predominantly glazed. The lower floors are clad in a dark granite material with the upper floors clad in concrete. The upper floors read as an extension to the podium/brise soleil of CPH.
- 3.21 There is a glazed conservatory at the front of the entrance to the pub.

- 3.22 There is prominent black and red signage reading “Intrepid Fox” between first and second floor level on the southern elevation.

### **Surrounding Context**

- 3.23 Surrounding development is varied in use and character. The site’s location at the south east corner of the Tottenham Court Road and New Oxford Street junction means that commercial, and particularly retail uses, dominate the immediate locality with residential uses to the north around Bloomsbury, and south around St Giles and towards Covent Garden along with new residential blocks, adjacent in the Central St Giles development.
- 3.24 There is also a strong presence of offices, hotels, theatres and other leisure uses in the area, commensurate with its location in the Central London Area and Central Activities Zone.
- 3.25 The site itself forms a distinctive backdrop to the immediate area which is characterised by a diverse urban grain from the modern Central St Giles development, to the older, smaller scale buildings on Denmark Street and St Giles High Street.
- 3.26 To the south east of the site is St Giles Church (Grade I listed), which, historically was the focus of the surrounding area.
- 3.27 The area is centred on Tottenham Court Road underground station and is currently undergoing a period of substantial change associated with the new Crossrail Station and an enhanced and enlarged underground station at Tottenham Court Road.
- 3.28 Two of the proposed entrances to the new Crossrail station at Tottenham Court Road which are currently being constructed will be located immediately to the west of CPT in an area of new public realm.
- 3.29 The Crossrail, Central and Northern line tunnels are/will be located in close proximity to the site along with numerous bus routes around St Giles, New

Oxford Street, Tottenham Court Road and Charing Cross Road. As a result of the public transport accessibility level for the site being high (PTAL 6b), the area is a 24 hour hub for buses with 17 day time bus routes serving the area and 4 routes terminating in St Giles with bus stands located on Earnshaw Street and St Giles High Street.

- 3.30 In addition to the transport works being undertaken in the immediate area, there are also a number of development sites that have been brought forward or are in the process of being brought forward.
- 3.31 To the east of the site is the new Central St Giles scheme designed by Renzo Piano which contains a mix of office, residential and retail space centred around an external plaza. This is located adjacent to the site, to the east, on the opposite side of Earnshaw Street.
- 3.32 Immediately to the south of the site, is the development site known as Denmark Place. This is owned by Consolidated Land and is currently part demolished as part of the Crossrail and related underground enabling works. An application for the redevelopment of this site is currently being considered by Camden.
- 3.33 On the west side of Charing Cross Road, within the City of Westminster, planning permission has been granted at the site known as No. 1 Oxford Street. This will be built above and to the south of the new Tottenham Court Road underground station.
- 3.34 The area is recognised as being heavily congested, with a poor quality pedestrian environment and as a result has been identified as one of the Mayor's "Great Spaces"; an initiative to improve public spaces in London.
- 3.35 Further description of the surrounding area is provided within the accompanying Design and Access Statement and the Townscape and Visual Impact Assessment contained within the Environmental Statement.

3.36 The site is designated by the London Borough of Camden as being within:

- The Central London Area;
- The Denmark Street Conservation Area – Sub Area 3;
- A Central London Frontage; and
- The Tottenham Court Road Growth Area.

## 4 Relevant Planning History

- 4.1 An examination of the Council's statutory planning register has been carried out. The most relevant planning history is outline below and a full summary of the planning history records is enclosed at Appendix 3.
- 4.2 Planning permission and listed building consent were refused on 27 September 2012 (following Camden's Development Control Committee on 20 September 2012) under references 2012/2895/P and 2012/2897/L for:

### **Planning permission 2012/2895/P**

**Change of use of Centre Point Tower from office (Class B1) and restaurant/bar (Sui Generis) use to residential use (Class C3) to provide 82 residential units and ancillary residential floorspace (spa, gym and pool). Change of use of Centre Point Link from office (Class B1) and bar (Class A4) use to flexible retail/restaurant/bar (Class A1/A3/A4) use and the erection of a ground floor extension partially infilling under the bridge link. Change of use of Centre Point House at first and second floor levels from office (Class B1) use to flexible retail/restaurant/bar (Class A1/A3/A4) use and alterations and extensions to the existing building at ground floor level to provide flexible retail/restaurant/bar (Class A1/A3/A4) use. Alterations to the exterior of Centre Point Tower, Centre Point Link and Centre Point House including the replacement and refurbishment of the facades including fenestration and shopfronts, new pedestrian link through Centre Point House and associated basement car parking, terraces, landscaping, public realm, highway works, servicing and access arrangements, and extract ducts.**

### **Listed building consent application 2012/2897/L**

**Internal and external alterations including the relocation internally of the existing external ground and mezzanine eastern and western staircases, and the replacement and refurbishment of the**



**facades including fenestration and shopfronts, all associated with the change of use of Centre Point Tower from office (Class B1) and restaurant/bar (Sui Generis) use to residential use (Class C3) to provide 82 residential units and ancillary residential floorspace (spa, gym, pool and club). Change of use of Centre Point Link from office (Class B1) use and bar use (Class A4) to flexible retail/restaurant/bar (Class A1/A3/A4) use and the erection of a ground floor extension partially infilling under the bridge link. Change of use of Centre Point House at first and second floor level from office (Class B1) use to flexible retail/restaurant/bar (Class A1/A3/A4) use. Alterations and extensions to the existing building at ground floor level to provide flexible retail/restaurant/bar (Class A1/A3/A4) use and associated basement car parking, terraces, landscaping, public realm, a new pedestrian link through Centre Point House, highway works, servicing and access arrangements, and extract ducts.**

4.3 The planning decision notice contains 20 reasons for refusal (however, 15 of them relate to the absence of a signed legal agreement which would have been signed had the applications been approved). Members considered that there were five substantive reasons for refusal which relate to:-

- a. Insufficient information to demonstrate that the proposed closure or diversion of St Giles High Street would not have a detrimental impact on local roads and the Strategic Road Network.
- b. In the absence of sufficient justification for the shortfall in the provision of on-site affordable housing and why it is not currently possible to deliver affordable housing off-site, the development fails to contribute the maximum reasonable amount of affordable housing.
- c. The proposed conversion of the restaurant/bar on the 31<sup>st</sup>, 32<sup>nd</sup> and 33<sup>rd</sup> floors of Centre Point Tower to residential uses would result in a

tall building without any publically accessible areas on the upper floors.

- d. The provision of car parking spaces fails to promote more sustainable and efficient forms of transport.
- e. The inclusion of a drop off/pick up area on New Oxford Street would be likely to impact on pedestrian amenity and highway safety.

4.4 The decision notice for the listed building consent application contained two reasons for refusal which relate to:-

- a. The proposed glazing under the link bridge would alter its appearance as a bridge and alter the composition of Centre Point as a whole.
- b. The proposed alterations to the building's façade, results in the loss of original fabric and alters the appearance of the building.

4.5 In terms of more historic permissions, outline planning permission was granted on 13 November 1959 for the development of 93-111 New Oxford Street, 1-14 Earnshaw Street, 14-51 St Giles High Street, 150-178 Charing Cross Road and 1-31 Lawrence Place for use as offices, residential, restaurants and shops.

4.6 A number of applications for reserved matters associated with the November 1959 permission were granted during the early 1960's.

4.7 Planning permission was granted on the 17 April 1964 for 'the installation of a shop front at No.'s 20/21 St Giles Circus in the new building at present under construction on the site of 93-111 New Oxford Street, 1-14 Earnshaw Street, 14-51 St Giles High Street, 150-178 Charing Cross Road and Lawrence Place Holborn".

4.8 An application for the use of an area at basement level to the east of the

pedestrian subway as a gymnasium / sauna and an area at basement and sub-basement level to the west of the subway as a private snooker club was granted planning permission on the 4 August 1983.

- 4.9 Planning permission for the change of use from office (Class B1) to mixed restaurant and bar use (sui generis) at 31<sup>st</sup> and 32<sup>nd</sup> floor levels was granted on the 22 February 2006. This opened in 2008 as a private members bar.
- 4.10 In addition, an application to change the use of the level 33 ancillary business (Class B1) use to a mixed use as a restaurant, and bar and offices (sui generis) was granted on the 5 January 2007.
- 4.11 A number of minor permissions for various alterations, advertisement consents have been granted but none are considered of particular relevance or as being prejudicial to the future restoration of the building.

#### **Previous pre-application discussions**

- 4.12 It is worth noting that previous owners of the site have held a number of discussions with LBC in respect of the site which involved the demolition of CPH and CPL.

#### **Schedule 7 Application**

- 4.13 Many of the works being undertaken in the area are related to the new Crossrail station at Tottenham Court Road under the Crossrail Act. An application under Schedule 7 has recently been approved for works around the new entrances to the Crossrail station.

#### **Consolidated Land – Demark Place Scheme**

- 4.14 The main application (2012/6858/P) was registered by the London Borough of Camden on 14 January 2013. A package of applications were submitted which related to the redevelopment of the site which are currently being

considered by the Council.

## 5 Description of the Proposal

- 5.1 A full description of the Application 1A proposals and design evolution is contained in the Design and Access Statement prepared by Rick Mather Architects and Conran and Partners. This Town Planning Statement should be read in conjunction with the Design and Access Statement and other technical assessments together with the formal plans and drawings submitted with the applications. The key details of the proposals are summarised in this section.
- 5.2 The proposals under Application 1A involves the submission of a revised planning application and application for listed building consent which include the following:-

### **Planning permission**

**Change of use of Centre Point Tower from office (Class B1) and restaurant/bar (Sui Generis) use to residential use (Class C3) to provide 82 residential units and ancillary residential floorspace (spa, gym and pool). Change of use of Centre Point Link from office (Class B1) and bar (Class A4) use to flexible retail/restaurant/bar (Class A1/A3/A4) use. Change of use of Centre Point House at first and second floor levels from office (Class B1) use to flexible retail/restaurant/bar (Class A1/A3/A4) use and alterations and extensions to the existing building at ground floor level to provide flexible retail/restaurant/bar (Class A1/A3/A4) use. Demolition and redevelopment of the adjoining public house to provide flexible retail/restaurant/bar (Class A1/A3/A4) at ground floor level with 13 affordable housing units above within an 11 storey building (including basement). Alterations to the exterior of Centre Point Tower, Centre Point Link and Centre Point House including the replacement and refurbishment of the facades including fenestration and shopfronts, new pedestrian link through Centre Point House and associated basement car parking, terraces, landscaping, servicing**

and access arrangements, and extract ducts.

#### Listed building consent

**Internal and external alterations including the relocation internally of the existing external ground and mezzanine eastern and western staircases, and the replacement and refurbishment of the facades including fenestration and shopfronts, all associated with the change of use of Centre Point Tower from office (Class B1) and restaurant/bar (Sui Generis) use to residential use (Class C3) to provide 82 residential units and ancillary residential floorspace (spa, gym and pool). Change of use of Centre Point Link from office (Class B1) use and bar use (Class A4) to flexible retail/restaurant/bar (Class A1/A3/A4) use. Demolition and redevelopment of the adjoining public house to provide a 11 storey building (including basement) comprising flexible retail/restaurant/bar (Class A1/A3/A4) use at ground floor and 13 units above. Change of use of Centre Point House at first and second floor level from office (Class B1) use to flexible retail/restaurant/bar (Class A1/A3/A4) use. Alterations and extensions to the existing building at ground floor level to provide flexible retail/restaurant/bar (Class A1/A3/A4) use and associated basement car parking, terraces, a new pedestrian link through Centre Point House, servicing and access arrangements, and extract ducts.**

5.3 Following refusal of the previous applications, the proposals have been amended to accommodate the following changes:-

- a. Separation of all works which relate to the Strategic Road Network into a separate application (Application 2) to be submitted once the relevant transport modelling has taken place by Transport for London and all necessary consultation has taken place by Camden.
- b. Inclusion of 13 affordable housing units within a new building on the

site of the adjoining pub immediately to the south.

- c. A further reduction in the number of car parking spaces so that only 17 car parking spaces of the 69 spaces that currently exist will be retained. All spaces will be able to access an electric charging point.
- d. Detailed analysis undertaken into the potential to include public access within Centre Point Tower.
- e. Removal of the drop off/pick up area on New Oxford Street.
- f. Removal of the glazed element under Centre Point Link. This will be brought forward as part of Application 2.
- g. Further justification and information is provided regarding the proposed alterations to the building's façade.

5.4 The rationale for the proposals is the result of an analysis of a range of options to secure the long term economically sustainable beneficial use of this listed building. On analysis and as set out at paragraph 8.2 of the Economic Assessment dated May 2012 prepared by Gerald Eve LLP, it is clear that the listed building can no longer earn its keep. Although the building is occupied, this is on low rents with short term leases. It is no longer a self-sustaining property in its current use. This position has been agreed by the Council's own consultants, BPS and officers during the determination period of the previous application. The addendum report to the Economic Assessment is attached at Appendix 2 of the Financial Viability Assessment prepared by Gerald Eve LLP dated April 2013. This concludes that nothing has materially changed to alter the findings of the previous report. Therefore the proposal is to provide residential accommodation including on-site affordable housing and significantly enhanced retail floorspace to improve the character and environment of the surrounding area. The applicant's aspirations can be summarised as follows:-

- a. To restore the existing building and to secure its long term future;
- b. To create new homes including affordable homes;
- c. To create a destination for food and retail;
- d. To create a new urban quarter where residential and commercial spaces work together;
- e. To reactivate the site's relationship with Oxford Street and the surrounding area;
- f. To maximise and better reveal the significance of the Designated Heritage Asset.

5.5 The applicant is also fully supportive of the London Borough of Camden's proposals and initiatives for the area in relation to the creation of a new public square.

5.6 The change of use of the building is required to achieve these objectives.

5.7 The Application 1A scheme design proposes the retention of the existing building, whilst undertaking a comprehensive restoration and refurbishment programme along with alterations and extensions to provide 82 new homes, 13 new affordable homes and 8,155 square metres of new retail floorspace. The proposed development provides an excellent opportunity to create a new high quality, public space as part of a design approach to the listed building which adopts an innovative, heritage-led solution of the highest architectural quality.

5.8 A summary of a principal land use components for Application 1A are set out in table 1 below:



**Table 1 – Application 1A Land Use Summary**

| <b>Land use</b>                                | <b>Existing sq m GEA</b> | <b>Proposed sq m GEA</b> | <b>Net Change sq m GEA</b> |
|--|--------------------------|--------------------------|----------------------------|
| Offices (Class B1)                             | 27,516                   | 0                        | -27,516                    |
| Retail (Class A1) /<br>(Class A3) / (Class A4) | 7,887                    | 8,155                    | +268                       |
| Residential (Class C3)                         | 4,086                    | 33,861                   | +29,775                    |
| <b>Total</b>                                   | <b>39,489</b>            | <b>42,015</b>            | <b>+2,526</b>              |

5.9 Taking each individual element of the site in turn, the proposals can be summarised as follows:

#### **Centre Point Tower**

5.10 It is proposed to change the use of CPT from office (Class B1) use and restaurant / bar (Class A3/Class A4) sui generis use to residential (Class C3) to create 82 new residential units and associated ancillary amenity space including, club, spa, gym and pool.

5.11 The external alterations proposed include:

- a. The relocation of the eastern and western external staircases to the inside of the building at ground floor level;
- b. The replacement of all the existing single glazed fenestration with high performance double glazing;
- c. Fully glazed ground floor façade;

- d. Conversion of the existing plant space to create additional residential accommodation.

5.12 A number of internal alterations are proposed which are described in detail in the Design and Access Statement. These include but are not limited to the installation of the staircases internally at ground floor level, retention of original finishes at ground floor level (mosaic tiling to all columns and walls) and exposure of original mezzanine floor finishes.

5.13 Section 6 of the Design and Access Statement describes the design approach to the interior in detail.

### **Centre Point Link**

5.14 It is proposed to change the use of CPL from ancillary office use (Class B1) and bar use (Class A4) to a flexible retail/restaurant/bar (Class A1/A3/A4) use. It is proposed to:-

- a. undertake internal and external alterations to the existing bar unit (RO2);
- b. undertake internal alterations to improve the link between CPL and CPH;
- c. convert the first and second floors of CPL to a flexible retail / restaurant / bar (Class A1/A3/A4) use with associated alterations include the addition of a new entrance stair and glass lift;
- d. undertake internal and external alterations to the upper floor of CPL for use as an independent retail / restaurant / bar (Class A1/A3/A4) unit or combined with the retail / restaurant / bar (Class A1/A3/A4) unit below.

### **Centre Point House**

- 5.15 It is proposed to retain the existing 36 residential units within the building. It is proposed to change the use of the existing office space within the building to create an improved retail space along with external and internal alterations including those to the Brise Soleil to remove infill panels and restore this element to its original design intent.
- 5.16 The residential units within CPH are all held individually, although the applicant controls ten.
- 5.17 New and improved flexible retail / restaurant / bar (Class A1/A3/A4) use would be created at ground floor level.
- 5.18 A new pedestrian route through the building from east to west will be created at ground floor level and a new ground floor service area accessed from Earnshaw Street. Service lifts will also be accessed from the proposed service area and will replace the existing ramp.

### **The pub site**

- 5.19 The existing building would be demolished and replaced with a new building.
- 5.20 The replacement building would comprise 11 stories (including basement) and will rise to approximately the same height as Centre Point House.
- 5.21 There would be two floors (ground and mezzanine) of flexible retail use (Class A1/A3/A4) with nine stories above which will be used to accommodate 13 affordable housing units.

### **Parking and access**

- 5.22 Car parking is proposed at basement level with a total of 17 car parking spaces (plus one servicing space) retained from the existing car parking

which will be provided for the residential units. All 17 spaces can be converted for use by accessible units if required. The majority of the 69 existing spaces in the basement will be converted to other uses including ancillary retail space, ancillary residential space, plant and services. The scheme proposes 202 residential and commercial cycle spaces at basement level.

- 5.23 Electric charging facilities will be provided for all of the 17 retained car parking spaces.

### **Sustainability**

- 5.24 The scheme has been designed to be a highly sustainable building using the latest technologies for reducing carbon omissions including a site wide air sourced heat pump and site wide CHP.

- 5.25 In summary the Application 1A scheme proposals will deliver the following benefits:-

- i. Retention and comprehensive restoration of the existing Grade II listed building and secure its future;
- ii. The provision of 95 new homes of which 13 will be affordable;
- iii. The provision of 8,155 square metres of high quality retail floorspace;
- iv. New and flexible employment opportunities and a range of jobs across the site;
- v. High quality, attractive design which complements the identified special interest of the listed building and provides an exemplary background to the new public space when this is brought forward;
- vi. Creation of a safe and secure environment for existing and future

residents, employees and visitors.

## 6 Consultation

- 6.1 The Localism Act 2011 emphasises the need for effective and meaningful pre-application consultation. This is reiterated by national planning guidance contained within the National Planning Policy Framework (March 2012) which states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community (paragraph 188).
- 6.2 Consultation is recognised as an essential tool for balancing the views and needs of different interest groups and securing mutually compatible solutions and as such has played an important role in the preparation of this planning application.
- 6.3 Paragraph 189 of the NPPF supports that local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage
- 6.4 Paragraph 190 reiterates that the more issues that can be resolved at the pre-application stage, the greater the benefits.
- 6.5 Following the refusal of the previous applications, the proposal has been subject to extensive consultation with local residents, occupiers of the adjacent properties, and other stakeholders, as well as Design, Planning, Highways and other relevant officers at Camden Council.
- 6.6 The scheme has continued to evolve in response to these consultations. The consultation events held are set out below and further details are contained within the Statement of Community Involvement which has been submitted as part of the planning application documents.

### **Consultation with residents, neighbours and other stakeholders**

- 6.7 In order for local residents and businesses to understand the revised proposals in detail, a public consultation exhibition event has been held. For the event, an invitation was circulated to residential and business addresses, to advise local residents, occupiers and third parties of the applicants intention to prepare and submit planning and listed building consent applications for the development of the site.
  
- 6.8 The public consultation exhibition was held on 9 and 11 March 2013 to demonstrate how the applicant has responded to the reasons for refusal.
  
- 6.9 Furthermore the applicant has met, on a number of occasions, with the owners of units within CPH as it is recognised that these residents are likely to be most directly affected by the proposals.
  
- 6.10 A Development Management Forum has been held on 11 February 2013 to present the proposals to local residents, businesses and organisations.
  
- 6.11 The purpose of the forum was to familiarise local people with the proposals prior to submission and enable local residents, businesses and organisations to comment on the proposals.
  
- 6.12 Over 50 people attend the Forum to listen to the presentation by Conran and Partners and Rick Mather Architects and to ask questions about the revised proposals. It was considered that this meeting was extremely useful in ensuring that residents and local businesses were fully briefed about the changes proposed to the scheme.
  
- 6.13 Presentations were made to the London Borough of Camden's Developer's Briefing on 18 February 2013.
  
- 6.14 Meetings have also been held with the St Giles in the Field Church, Phoenix Gardens, Bloomsbury Association, Inmidtown, Covent Garden

Community Association and the Bloomsbury Baptist Church.

### **Camden Council Officers**

- 6.15 Extensive pre application meetings in respect of the revised proposals have been held with planning and design officers from LBC since autumn 2012. Additional transportation, community safety and sustainability meetings have also taken place at the pre-application stage.

### **Third Parties**

- 6.16 As part of the pre application process, the applicant has met with the following third parties:-

- i. English Heritage
- ii. Transport for London
- iii. Design Council (formerly CABE)
- iv. Twentieth Century Society
- v. Crossrail
- vi. Gillespies

- 6.17 English Heritage have confirmed that they support the principle of the heritage and conservation led approach to the site. The retention of all the existing buildings on the site was welcomed and the redevelopment of the pub site is acceptable. Further detail regarding the approach to townscape and the historic environment is contained within the Townscape, Conservation and Visual Impact Assessment which forms part of the Environmental Statement.
- 6.18 The applicant met with Transport for London (TfL) on 14 March 2013 to discuss the latest transportation aspects of the scheme and how this relates to the wider transport proposals. Further details of these discussions are



contained within the Transport Assessment prepared by Steer Davis Gleave.

- 6.19 The applicant presented the scheme to the Design Council Design Review Panel on 20 February 2013. The Design Council were fully supportive of the principle of the overall proposals including the redevelopment of the pub site and provided a number of comments which have been integrated into the design approach where possible. Further details of these discussions are contained within the Design and Access Statement.
- 6.20 The applicant is also keeping the adjoining landowners, Consolidated Land and Legal and General, fully updated as the scheme progresses and a number of meetings have been held.

### **Website**

- 6.21 In order to provide interested parties with easy access to the relevant information, a website which contains information relating to the proposals has been available at [www.centrepoinlondon.com](http://www.centrepoinlondon.com).

### **Summary**

- 6.22 The consultation strategy has been extensive and has sought to engage with statutory and non-statutory consultees including residents, local businesses, community groups, politicians throughout the design process. The information provided during this process was full and comprehensive.
- 6.23 The proposals have evolved over the consultation period and have sought to accommodate, where possible, comments received during these consultations.
- 6.24 Further detail is provided in the Statement of Community Involvement.

## 7 Planning Policy Context

7.1 The statutory development plan for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act comprises:

- i. The London Plan (LP) being the Spatial Development Strategy for Greater London was adopted by the Mayor of London (“Mayor”) in July 2011.
- ii. The Camden Local Development Framework (LDF) Core Strategy and Development Policies Documents were formally adopted by the Council on 8<sup>th</sup> November 2010. Other Supplementary Planning Documents (SPD’s) are also produced by London Borough of Camden.

7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the statutory development plan unless material considerations indicate otherwise.

7.3 At a national level, Central Government has recently published the National Planning Policy Framework (NPPF) document (27 March 2012). The NPPF document supersedes previous national planning policy guidance and planning policy statements.

### **National Planning Policy Guidance:**

#### **The National Planning Policy Framework (NPPF), March 2012**

7.4 The NPPF document sets out the Government’s planning policies for England and how these are expected to be applied. It summarises in a single document, previous national planning policy statements. The NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

7.5 The NPPF introduces the presumption in favour of sustainable development although it makes plain that the development plan is still the

starting point for decision making.

- 7.6 The NPPF sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.
- 7.7 One of the core planning principles of the NPPF is that planning should not simply be about scrutiny but instead be "a creative exercise in finding ways to enhance and improve the places in which people live their lives".
- 7.8 The NPPF is clear that pursuing sustainable development requires careful attention to viability and costs. It states that to ensure viability, "the costs of any requirements to be applied to development should, provide competitive returns to a willing land owner and developer to enable the development to be deliverable".

**Regional Planning Policy: The London Plan,  
Spatial Development Strategy for Greater London, July 2011**

- 7.9 The LP sets out the relevant London-wide planning policy guidance, the relevant regional planning policy guidance for Camden and forms a component part of the statutory development plan.
- 7.10 It aims to set out a framework to co-ordinate and integrate economic, environmental, transport and social considerations over the next 20-25 years. The LP is the London-wide policy context within which the boroughs set their local planning agendas.
- 7.11 The Mayor considers that the greatest challenge faced in London is to accommodate significant growth in ways that respect and improve London's diverse heritage while delivering the vision for an exemplary, sustainable world city. This will involve the sensitive intensification of development in locations that are, or will be, well served by public transport.

7.12 The proposal has taken into account the most relevant LP policies and guidance affecting the proposals for the site, including those relating to, land use and policies relating to height and bulk, design, sustainability and the public realm. The relevant LP policies are referred to, where relevant, in Section 8 (Key Planning Considerations) of this Statement.

7.13 In addition to the LP, the Mayor has produced more detailed strategic guidance on issues, which cannot be addressed in sufficient detail in the Plan, through SPG documents. This does not set out any new policies but provides guidance on policies established by the London Plan.

7.14 The following policies from the LP are considered relevant to the planning application:-

- 2.10 – Central Activities Zone – Strategic Priorities
- 2.11 – Central Activities Zone – Strategic Functions
- 2.15 – Town Centres
- 3.3 – Increasing Housing Supply
- 3.4 – Optimising Housing Potential
- 3.6 – Children and Young People's Play and Informal Recreation Facilities
- 3.8 – Housing Choice
- 3.11 – Affordable Housing Targets
- 3.12 – Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 4.7 – Retail and Town Centre Development
- 4.8 – Supporting a Successful and Diverse Retail Sector
- 4.9 – Small Shops
- 5.1 – Climate Change Mitigation
- 5.2 – Minimising Carbon Dioxide Emissions
- 5.3 – Sustainable Design and Construction
- 5.6 – Decentralised Energy in Development Proposals
- 5.7 – Renewable Energy
- 5.10 – Urban Greening
- 5.11 – Green Roofs and Development Site Environs

- 6.3 – Assessing Effects of Development of Transport Capacity
- 6.9 – Cycling
- 6.10 – Walking
- 7.1 – Building London's Neighbourhoods and Communities
- 7.2 – An Inclusive Environment
- 7.3 – Designing Out Crime
- 7.4 – Local Character
- 7.5 – Public Realm
- 7.6 – Architecture
- 7.8 – Heritage Assets and Archaeology
- 7.9 – Heritage-Led Regeneration
- 7.14 – improving Air Quality

7.15 The following GLA Supplementary Planning Guidance is also relevant:-

- Interim London Housing Design Guide
- London Plan SPG 'Providing for Children and Young People's Play and Informal Recreation' (2008)
- Mayor's Transport Strategy (2010)
- Mayor's Municipal Management Strategy, Waste Strategy (2000)

### **Camden Core Strategy (2010)**

7.16 The following adopted Core Strategy policies are considered relevant to the determination of these applications:-

- CS1 – Distribution of Growth
- CS2 – Growth Areas
- CS3 – Other highly accessible areas
- CS6 – Providing Quality Homes
- CS7 – Promoting Camden's centres and shops
- CS8 – Promoting a successful and inclusive Camden economy
- CS11 – Promoting sustainable and efficient travel
- CS13 – Tackling Climate Change
- CS14 – High Quality Places and Conserving Heritage

- CS16 – Improving Camden's health and well-being
- CS17 – Making Camden a safer place
- CS18 – Dealing with our waste and encouraging recycling

7.17 The following adopted Development Policies are considered relevant to the determination of these applications:-

- DP1 – Mixed use development
- DP2 – Making full use of Camden's capacity for housing
- DP3 – Contributions to the supply of affordable housing
- DP5 – Homes of different sizes
- DP6 – Lifetime homes and wheelchair homes
- DP10 – Helping and promoting small and independent shops
- DP12 – Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses
- DP15 – Community and Leisure uses
- DP16 – The transport implications of development
- DP17 – Walking, cycling and public transport
- DP18 – Parking standards and limiting the availability of car parking
- DP22 – Promoting sustainable design and construction
- DP24 – Securing high quality design
- DP25 – Conserving Camden's heritage
- DP26 – Managing the impact of development on occupiers and neighbours
- DP31 – Provision of, and improvements to, public open space and outdoor sport and recreation facilities
- DP32 – Air quality and Camden's Clear Zone

### **Supplementary Planning Guidance**

7.18 The Planning Framework for the Tottenham Court Road Station and St Giles High Street Area was adopted by the LBC in July 2004. The

framework sets out the vision for the future of the area, the land use objectives, transport and circulation objectives, heritage, public realm and design objectives and the projected implementation of the objectives in the area.

7.19 Other relevant LBC Supplementary and Design Guidance of relevance to this application includes:

- The Denmark Street Conservation Area Appraisal and Management Strategy, adopted 16 March 2010;
- Camden Planning Guidance 1 (CPG1) – Design;
- Camden Planning Guidance 2 (CPG2) – Housing;
- Camden Planning Guidance 3 (CPG3) – Sustainability;
- Camden Planning Guidance 5 (CPG5) – Town centres, retail and employment;
- Camden Planning Guidance 6 (CPG6) – Amenity;
- Camden Planning Guidance 7 (CPG7) – Transport; and
- Camden Planning Guidance 8 (CPG8) – Planning Obligations.

7.20 The site is also identified within the “Camden Site Allocations” Proposed Submission Document March 2012 as forming part of Site 16: St Giles Circus.

7.21 Consultation on this document finished on 1 May 2012 with submission to the Secretary of State in late 2012. Following this an independent public exhibition into the document has been held by a Planning Inspector with public hearings in January 2013.

7.22 As such the document does not afford any weight for development management purposes at present.

### **Site Specific Allocations and Designations**

7.23 Within the LP, the site falls within the Central Activities Zone (CAZ). The LP notes that the CAZ contains a unique cluster of vitally important activities

including central government offices, headquarters and embassies, the largest concentration of London's financial and globally-orientated business services sector and the offices of trade, professional bodies, institutions, associations, communications, publishing, advertising and the media. It recognises that the CAZ is a place where many people live and that availability of a range of homes in the CAZ helps to support its strategic function, as well as allowing for sustainable lifestyles and reducing the need for travel.

7.24 The London Borough of Camden designates the site as being within:

- The Central London Area
- Denmark Street Conservation Area – Sub Area 3
- A Central London Frontage
- The Tottenham Court Road Growth Area
- The St Giles Circus Site Allocation – Draft Allocation
- Planning framework for Tottenham Court Road Stations & St Giles High Street Area

7.25 Policy CS2 confirms that development will be concentrated in the growth areas, with Tottenham Court Road identified as appropriate for mixed use development.

7.26 The Council's identifies the Tottenham Court Road Growth Area as being **“centred on Tottenham Court Road Underground station and well served by public transport containing a mix of office, housing and retail uses, with a significant residential population in and around the area.”**

7.27 The Council's aspirations for the Growth Area include inter alia (1) a balanced mix of uses; (2) an excellent public realm; (3) maximising densities compatible with local context; (4) development of the highest quality and sustainable design as befits a historic area in the heart of London; and (5) remedying the lack of open space in the area through on-site provision or contributions to assist in the provision of new spaces.”



- 7.28 The buildings on the site were listed Grade II in 1995. The full listing description for the site is attached as Appendix 4.
- 7.29 The site is located in the Denmark Street Conservation Area sub area 3 as set out in the Denmark Street Conservation Area Appraisal and Management Strategy adopted 16 March 2010.
- 7.30 The site adjoins the boundary of the area subject to the Fitzrovia Area Action Plan Working Draft (February 2012) to the North. The Area Action Plan sets out a vision for Fitzrovia as ‘a harmonious co-existence of uses and users’ and the objectives for achieving such:
1. Addressing the impact of growth on residential amenity and the balance between residential, institutional and commercial uses;
  2. Providing a range of facilities, services and places that sustain and support local residents’ needs;
  3. Creating a high quality physical environment; and
  4. Ensuring an environmentally sustainable future.
- 7.31 The policies highlighted above are considered and assessed in detail in the following section of this Statement.

## 8 Key Planning Considerations

8.1 This section assesses the key planning considerations affecting the proposed regeneration of this site.

8.2 These are:-

1. Strategic principles of refurbishment and regeneration
2. Land Use
  - a) Existing office use
  - b) Existing Class A3/A4 uses and public access
  - c) Housing
  - d) Affordable Housing
  - e) Unit tenure and mix
  - f) Housing unit sizes
  - g) Lifetime Homes and Wheelchair accessible units
  - h) Housing Density
  - i) Retail
  - j) Mixed use Development
3. Transport
4. Servicing
5. Sustainable development
6. Listed buildings and conservation areas
7. Design
8. Views
9. Public Realm, Open space and routes
10. Residential Amenity
11. Amenity Space
12. Playspace
13. Security and Community Safety

14. Waste

15. Ecology and Biodiversity

16. Air Quality

### **Strategic principles of refurbishment and regeneration**

- 8.3 The proposed development is supported by strategic objectives at all levels of planning policy and guidelines.
- 8.4 The NPPF has a clear presumption in favour of sustainable development and advises that developments should be approved where they accord with statutory policies.
- 8.5 The NPPF states that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development.
- 8.6 One of the core principles of the NPPF is that planning should proactively drive and support sustainable economic development and that every effort should be made to respond positively to wider opportunities for growth.
- 8.7 The NPPF makes plain that good design is a key aspect of sustainable development and is indivisible from good planning. Good design should contribute positively to making places better for people (Paragraph 56).
- 8.8 At a regional level, the site is located within an Opportunity Area in the LP. The LP prioritises sustainable development and the provision of housing. The plan seeks to encourage efficient use of land by ensuring that development proposals achieve the maximum intensity of use compatible with the local context.
- 8.9 At a local level, the strategic objectives for LBC are contained within the adopted Core Strategy. These objectives are to create:
- A sustainable Camden that adapts to a growing population
  - A strong Camden economy that includes everyone
  - A connected Camden community where people lead active

healthy lives

- A safe Camden that is a vibrant part of our world city.

- 8.10 The Core Strategy identifies Tottenham Court Road as one of the Growth Areas where in the region of 4,700 new homes and a substantial amount of new business floorspace is expected in the period to 2024/2025. The level of development opportunities and transport accessibility in these areas make them the most appropriate locations to focus the provision of additional homes, jobs and facilities in Camden to 2025.
- 8.11 At an area specific level, the Tottenham Court Road Growth Area is identified as containing a number of development sites which give an opportunity to improve and enhance the local environment, the mix of uses and links to neighbouring areas to create an attractive, safe and vibrant place.
- 8.12 Growth in the area is anticipated to be supported by transport enhancements as part of the development of Crossrail.
- 8.13 The Tottenham Court Road Station and St Giles High Street Area Planning Framework states that development of the area will bring a richer and more balanced mix of uses that will regenerate the area and make it a better place to live and work in or to visit or pass through.
- 8.14 The transport and circulation objectives of the Planning Framework state that development will assist in reducing the dominance of traffic and improve walking, cycling, public transport and the environment.
- 8.15 The framework makes clear that the Tottenham Court Road Crossroads and St Giles Circus is a precious area of underused space at the intersection of London's busiest shopping streets. The provision for pedestrian movement around the crossroads is extremely inadequate, particularly the lack of pavement space on the east side of Charing Cross Road and the network of pedestrian subways around Centre Point.

- 8.16 The area is identified as being a place whose first function should be to facilitate pedestrian movement between the various public transport services and the numerous facilities, activities and visitor attractions in the area.
  
- 8.17 The Camden Site Allocations Proposed Submission Document identifies that the guidance for the St Giles Circus and Denmark Place area is to support high quality development appropriate to this Central London gateway and the creation of new world class public spaces.
  
- 8.18 The Denmark Street Conservation Area Appraisal and Management Strategy identifies the buildings of Centre Point as forming a distinct block which is surrounded by the heavily trafficked streets of New Oxford Street and Charing Cross Road with the quality of the street environment around the site being poor.
  
- 8.19 It states that further planned highways improvements of the 1960s were abandoned leaving the area unfinished and unresolved, and particularly hostile for pedestrians.
  
- 8.20 The Appraisal identifies that development in this sub-area will have a significant impact on the character and appearance of the conservation area and that the sensitivities and complexities of the site must be considered carefully.

### **Assessment**

- 8.21 This is an area of London where, it is recognised, at a strategic level, that change is required in order to deliver a successful place at this major London gateway.
  
- 8.22 It follows that through the identification of Tottenham Court Road as a Growth Area the principle of sustainable development here is established.

- 8.23 The proposed regeneration works will encourage more people to visit, use and pass through the area, and respect and preserve differences and varieties of scale, appearance, character and ambiance which make up the whole of the conservation area.
  
- 8.24 The proposed regeneration of the site fully adheres to the strategic priorities and principles of making the most efficient use of land, delivering new homes, including affordable homes and enhancing the local environment.
  
- 8.25 The applications propose the use of previously developed urban land in a location that is well served by public transport.
  
- 8.26 The site is situated at the heart of the TCR Growth Area and represents the dominant element of the townscape.
  
- 8.27 The refurbishment and regeneration of the buildings are essential to ensure that the strategic objectives for this area can be successfully met.
  
- 8.28 CPT currently provides poor quality, inflexible office floorspace which does not meet modern occupier standards and has almost never been fully let. Its conversion to residential accommodation will ensure that the most efficient use is made of the land by ensuring the optimum intensity of use compatible with the building's listed status.
  
- 8.29 In addition, the proposed use of CPT as residential accommodation is the priority use within the LP and Core Strategy. The provision of self-contained, on-site affordable housing is also a priority. The proposals also involve the provision of a substantial amount of mixed retail/restaurant/bar floorspace, contributing to the sustainable development of the area through the creation of an appropriate and balanced mix of land uses which can be accommodated within this listed building.
  
- 8.30 The restoration of this listed building will secure the building's long term future and significantly improve the character and appearance of the

Denmark Conservation Area.

- 8.31 The proposals for CPT, CPL, CPH and the pub site will significantly enhance the public realm and pedestrian environment and improve movement through the area through the creation of new pedestrian routes.
- 8.32 The proposals are consistent with and will facilitate the delivery of the emerging public realm proposals for this area being developed by Camden and TfL. The proposals are fully compatible with the public realm priorities for this area.
- 8.33 The themes of strategic principles are described in more detail below.

## **Land Use**

### **Existing office use**

- 8.34 Paragraph 22 of the NPPF states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.
- 8.35 Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
- 8.36 Under paragraph 51 of the NPPF local planning authorities should normally approve planning applications for change to residential use and any associated development from commercial buildings (in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.
- 8.37 The Policy 2.13 of the London Plan relates to Opportunity Areas and Intensification Areas. The site is identified within the Tottenham Court Road

Opportunity Area. Policy 2.13 stipulates that development proposals within opportunity areas should seek to optimise residential and non-residential output and densities, provide necessary social and other infrastructure to sustain growth and where appropriate, contain a mix of uses.

- 8.38 Policy CS8 of the Core Strategy concerns the Camden Economy. It explains that a concentration of office growth should be promoted across growth areas and Central London, and states that existing employment should be safeguarded. Paragraph 8.5 adds that the Council will direct new business development to the growth areas, including Holborn.
- 8.39 The reasoned justification for Policy CS8 states at paragraph 8.8 that “the future supply of offices in the borough can meet projected demand. Consequently, the Council will consider proposals for other uses of older office premises if they involve the provision of permanent housing”.
- 8.40 Policy CS9 addresses the Central London Area (CLA) of Camden and explains that within the CLA, the Council will inter alia:
- a) recognise its unique role, character and challenges
  - b) support Central London as a focus for Camden’s future growth in homes, offices, shops, hotels and other uses
  - c) seek to ensure that development in Central London, in the growth areas of King’s Cross, Euston, Tottenham Court Road and Holborn and beyond, contributes to London’s economic, social and cultural role while meeting the needs of local residents and respecting their quality of life
  - d) support residential communities within Central London by protecting amenity and supporting community facilities
  - e) seek to secure additional housing and affordable homes, including as part of appropriate mixed use developments



8.41 Policy DP13 of the adopted Camden Development Policies document deals with employment premises and sites and states that the council will retain land and buildings that are suitable for continued business use and will resist a change to non-business unless:

- a) it can be demonstrated to the Council's satisfaction that a site or building is no longer suitable for its existing business use; and
- b) there is evidence that the possibility of retaining, reusing or redeveloping the site or building for similar or alternative business use has been fully explored over an appropriate period of time.

8.42 Policy DP13 also states that "where it can be demonstrated that a site is not suitable for any business use other than B1 (a) offices, the Council may allow a change to permanent residential uses or community uses, except in Hatton Garden.....".

8.43 Camden Planning Guidance (CPG5) adds clarification as to the circumstances where a change of use from offices would be acceptable. More particularly this states that a change of use may be allowed in the case of older office premises since it is expected that new office accommodation coming on stream during the plan period will meet projected demand. The guidance at paragraph 6.4 goes on to list various criteria to be taken into account when assessing applications for a change of use from B1 to a non-business use. These include factors such as the age and condition of premises; whether the premises include features required by tenants seeking modern office accommodation; the quality of the premises and whether it is purpose built accommodation and whether there is evidence of demand.

### **Assessment**

8.44 The proposal involves the loss of 27,516 sqm of office floorspace. The majority (24,216 square metres) of this is within CPT and a smaller amount is within CPL (1,650 square metres) and CPH (1,650 square metres). The

remaining proportion of office floorspace is ancillary space and is contained within the basement.

- 8.45 The loss of office floorspace was considered acceptable and appropriate by officers and Members of the Development Control Committee.
  
- 8.46 The conclusions of the Economic Assessment prepared by Gerald Eve LLP in May 2012 as part of the previous applications were supported by BPS, the Council's consultants. An addendum to the Economic Assessment has been prepared which confirms that nothing has materially changed from the previous analysis and that the agreed conclusions still stand. This is attached as Appendix 2 to the Financial Viability Assessment.
  
- 8.47 The loss of office floorspace was not added as a reason for refusal to the decision notice and it is considered that this matter has been agreed by all parties.
  
- 8.48 Notwithstanding this and for the sake of completeness, the following paragraphs provide an assessment of the proposed loss of office floorspace against the provisions of Policies CS8, CS9, DP13 and CPG5 along with the relevant LP policies and the NPPF.
  
- 8.49 As set out above, the office space provided within the building is of poor quality, with an inflexible layout and does not meet modern occupier requirements.
  
- 8.50 Throughout its history, CPT has almost never been substantially let and the use of the building as offices does not maximise the efficiency of the building in accordance with strategic policies in the LP and the Core Strategy.
  
- 8.51 An assessment has been undertaken of the occupancy levels within CPT over its lifetime. Between 1966 and 2010 the building has been underused for the majority of its lifetime with an average occupancy rate of 59%.

- 8.52 The previous Economic Assessment and addendum statement prepared by Gerald Eve LLP assesses whether it is financially viable to retain this listed building in office use having regard to on-going functional obsolescence and depreciation in the context of local policies CS8, CS9, DP13 and CPG5. This assessment has been scrutinised by BPS surveyors acting on behalf of the Council.
- 8.53 The Economic Assessment report and the BPS review report conclude that the existing building is reaching the end of its economic life in commercial terms. The building requires substantial investment in its fabric, for example repairs to the cracks and fissures on the façade of CPT, to ensure that the future of this listed building can be secured and this level of investment cannot be generated by continued office use (Paragraph 8.1 and 8.2 of the Economic Assessment).
- 8.54 The building currently falls substantially short of compliance with Part L of the Building Regulations and holds an EPC Rating of D, (Paragraph 8.2 Economic Assessment, May 2012).
- 8.55 In terms of modern office occupier requirements, the compromised size and layout of the floorplates only appeals to relatively small occupiers which tend to be higher risk in terms of lease length and covenant strength. Larger tenants tend to avoid buildings which would result in vertical integration (i.e. occupation on a number of floors) as they prefer horizontal integration.
- 8.56 The building has relatively low floor to ceiling heights which also leads to lower rents being achieved. As the external appearance of CPT is the most significant element of the Designated Heritage Asset (DHA), the floor to ceiling heights cannot be altered without a significant impact on the external appearance of the building that would lead to substantial harm to the significance of the DHA.
- 8.57 The quality of the office floorspace is low which in turn impacts upon the quality of potential tenants and lease lengths. Leases have early break

periods, substantial rent free periods and caps on service charge. The building suffers from a high level of tenant turnover which creates greater uncertainty and risk in terms of letting voids and occupancy rates.

- 8.58 These factors coupled with the capital expenditure in the building which will only increase with age means that even if the building were to be extensively refurbished for office use, this would still not produce an acceptable return for a rational investor, (Paragraph 8.6 Economic Assessment, May 2012).
- 8.59 The building does not provide office premises that meet the needs of modern business and other employers and the Economic Assessment demonstrates that the building is no long suitable for its existing business use. The Economic Assessment made plain that retaining and reusing the building for similar or alternative business use would not produce an acceptable return even using a growth model approach.
- 8.60 In accordance with Paragraph 51 of the NPPF the conversion and change of use proposals would be appropriate given there is no reasonable prospect of retaining the building in commercial use.
- 8.61 Turning to the criteria set out within Policy DP13, it is considered that the buildings are not suitable for any business use, other than B1 (a) offices. Given the site's central location, in a densely developed area and the constraints and costs of converting the existing listed buildings, it is not expected that the site will be desirable or appropriate for flexible B8 or B1(c) uses.
- 8.62 Furthermore, as set out in paragraph 13.3 of the reasoned justification for Policy DP13, the site is not located in or adjacent to the Industry Area and is not located in a location suitable for a mix of uses including light industry/distribution and is not near to other industry and warehousing, noise/vibration generating uses, pollution and hazards. Also whilst the site is accessible by means other than the car including London Underground and by bus it does not has the potential to be serviced by rail or water and

has limited on-site vehicle space for servicing.

- 8.63 Options have been considered by the applicants and the consultant team for maintaining an element of office use within the building. This has been tested in both design and financial terms. As set out in the Viability Assessment prepared by Gerald Eve, this option produces an unacceptable level of return and coupled with the buildings inability to meet the requirements of modern office occupiers, even after refurbishment means that this is not an option that the team developed further.
- 8.64 There are a number of examples in close proximity to this site where modern office accommodation has/or will be provided as part of redevelopment schemes. These include no. 1 Oxford Street which included an increase of 14,708 square metres GEA of office accommodation and Central St Giles which included the provision of 52,970 square metres GEA of office accommodation.
- 8.65 Centre Point is located in a strategic CAZ location where grade A offices are supported. Because of the inherent constraints of the building form, this cannot be achieved at Centre Point and a change of use is required.
- 8.66 Therefore in order to ensure that the long term future of this listed building is secured, an alternative use must be sought.
- 8.67 The proposed conversion of the existing office space therefore meets the requirements of Policies CS8, CS9, DP13, the provisions of CPG5 and regional and national guidance.
- 8.68 This position has been accepted by officers and Members having been signed off by the Council's consultants. The addendum statement attached at appendix 2 of the Financial Viability Assessment prepared by Gerald Eve confirms that there has been no material change in circumstances that would affect or alter the conclusions of the Economic Assessment prepared in May 2012.

## Existing Class A3/A4 uses

### CPT –Bar and Restaurant

- 8.69 At a national planning policy level, paragraph 23 of the NPPF states that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.
- 8.70 The London Plan has no specific policies which protect restaurants and bars.
- 8.71 Policy 7.7 of the London Plan relates to the location and design of tall and large buildings.
- 8.72 Part C of the Policy at point h states that:

**‘Tall and large buildings should incorporate publicly accessible areas of the upper floors, where appropriate’.**

- 8.73 There are no specific policies with Camden Core Strategy or Development Policies Document which specifically protect A3 or A4 uses or public access within tall buildings.

### Assessment

- 8.74 The conversion of the restaurant/bar on the 31<sup>st</sup>, 32<sup>nd</sup> and 33<sup>rd</sup> floors of Centre Point Tower to residential uses was added as a reason for refusal of the previous application by Members of the Development Control Committee on the basis that this would result in a tall building without any publically accessible areas on the upper floors, contrary to Policy 7.7 (c) of the London Plan.
- 8.75 London Plan policy 7.7 relating to the provision of public access to tall buildings is specifically worded to relate to new tall buildings rather than to existing buildings. The policy states that “tall and large buildings should

generally be limited to sites in the Central Activity Zone, only be considered in areas whose character would not be affected by the scale, relate well to the form, proportion of surrounding buildings” (our emphasis).

- 8.76 Therefore London Plan policy 7.7 is not applicable to these proposals.
- 8.77 There is also no local policy which protects this use or public access to the top of the tower.
- 8.78 The Council’s Supplementary Agenda (“SA”) to update the committee report for committee on 20<sup>th</sup> September 2012 covers this issue at paragraph 2, stating at 2.1 that:-
- “whilst it is recognised that the existing use provides a unique attraction with the available view from the restaurant and bar areas, this is not protected under Policy DP14 which aims to support new tourism development and visitor accommodation”.**
- 8.79 Paragraph 2.2 of the SA states that Policy DP15 is not applicable to the use of the upper floors as a restaurant/bar as the premises does not serve a community role. Paragraph 2.3 states that:-
- “Camden’s LDF policies do not protect existing A3/A4/A5 uses and so the conversion of the top floor restaurant/bar use is considered to be acceptable in principle”**
- 8.80 The loss of the Class A3/A4 use has been assessed as part of the previous Economic Assessment which has been tested by BPS. The loss of the employment use within the building has been confirmed by BPS and the Council as being acceptable and appropriate.
- 8.81 The building was not built with public access to the top. Paramount opened as a private members bar in November 2008 and only became open to the general public in 2010.

- 8.82 New developments, such as the Shard at London Bridge and 20 Fenchurch Street which include public access have the benefit of discrete public access and separate lifts for visitors which can be worked into the scheme at design development stage to avoid significant amenity implications for other users or uses.
- 8.83 To our knowledge, only two developments worldwide (Eureka Skydeck, Melbourne and Q1 building on Australia's Gold Coast) are in purely residential use, with public access and these buildings have separate, self-contained visitor access and lifts.
- 8.84 Notwithstanding this, a detailed assessment has been undertaken to ascertain whether a viewing gallery could reasonably and practically be incorporated within the building taking into account commercial sustainability and scheme viability.
- 8.85 This has been compiled by Britton McGrath Associates (appended to the Financial Viability Assessment prepared by Gerald Eve LLP), experts in the leisure and tourism markets having worked on the marketing plan for the London Eye and the Shard. A summary report has been prepared by Gerald Eve LLP which is submitted under separate cover.
- 8.86 The key points of these reports are summarised below.
- 8.87 A viewing gallery in Centre Point would provide views from a central location.
- 8.88 For public access to be commercially sustainable and for Centre Point to have the optimum level of appeal as a tourism/leisure destination it must have 360 degree views and be at the top or very close to the top of the building.
- 8.89 This can be provided at either 33<sup>rd</sup> or 34<sup>th</sup> floor level. All other levels have fire escape stairs and lifts at either end precluding 360 degree views.



- 8.90 Public access to the 34<sup>th</sup> floor level would require significant alterations to the building, most notably the extension of the lift shaft above the existing roof and caging of the external gallery.
- 8.91 33rd floor level is therefore considered to be the most appropriate potential location although Option 1A requires substantial structural work. It should be noted that the following options have been fully assessed and demand quantitatively assessed based on viewing merits:-
- 8.92 Option 1 and 1A – Full floor options at 33rd floor.
- 8.93 Option 2 and 2A – Large end galleries to north and south at 32nd level.
- 8.94 Option 3 – Small end gallery to the north core on 33rd level.
- 8.95 Option 4 – Full floor access at level 34.
- 8.96 Option 5 – Full floor access at level 30.
- 8.97 A full floor at level 33 could reasonably be expected to attract circa 450,000 visitors per year. This option offers the maximum possible amount of space and 360 degree views.
- 8.98 Option 1 includes a small amount of space for a retail/café whereas option 1A offers better views.
- 8.99 Only 360,000 visitors, of the projected 450,000 demand could be accommodated due to capacity constraints.
- 8.100 Security limits throughput to 145 people per hour and the capacity of the lifts limits throughput to 180 people per hour. Security is therefore the constraining factor.
- 8.101 However, it is not considered that Option 1 has the ability to be commercially sustainable at a trading level even if it can achieve the upper

end of the pricing scale as it would not generate a return on turnover that would be expected by an operator.

8.102 There is a concern that given operational restrictions the attraction might not be able to continue to sustain visitor numbers and thus adversely impact upon commercial sustainability.

8.103 Centre Point is limited by the following operational restrictions:-

- No dedicated entrance
- Insufficient ground floor space
- No dedicated lifts
- Limited ability to hold functions
- Limited retail and café space

8.104 The inclusion of a viewing gallery at 33<sup>rd</sup> floor would result in the viability of the scheme being reduced to such a level that no affordable housing could be provided either on-site, off-site or as a financial contribution. This is explained in further detail in the Financial Viability Assessment prepared by Gerald Eve LLP.

8.105 A part-floor viewing gallery at level 32 (Option 2A) represents a closer match between demand and capacity (275,000 visits and 264,000 accommodated) but this would not be commercially sustainable at trading level.

### **Restaurant option**

8.106 A restaurant option has been tested but is considered to be inappropriate for the following reasons:-

- a. A restaurant will require events space and will therefore require more than a single floor;

- b. Kitchen and back of house space (BOH) would have to be located on the same floor as the restaurant – the current arrangement with basement kitchens is unlikely to be workable as a permanent solution for most operators;
- c. Accommodating BOH facilities would remove 50% of the floorspace and most of the views to the south as visitors would enter the restaurant from the north core and the BOH facilities would need to be located at the other end of the building. – results in a sub-optimal offer;
- d. Potentially significant impacts on residential amenity with restaurant servicing, deliveries and waste happening within the same building as residential users contrary to Policy DP12.

8.107 In conclusion, even if it were considered that LP policy 7.7 should be applied to the proposals, as the Council considers the change of use of the building to residential to be acceptable in principle, the inclusion of public access within a residential building is **not** considered to be appropriate in this instance in terms of commercial sustainability of the offer, financial viability and impact upon residential amenity.

### **The pub site**

8.108 As set out above, at a national planning policy level, paragraph 23 of the NPPF states that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.

8.109 The London Plan has no specific policies which protect restaurants and bars and there are not policies within the Camden Core Strategy or the Development Policies Document which protect restaurants and bars.

### **Assessment**

8.110 The proposal as a whole represents a significant improvement to the quality

and the quantity of Class A1, A3 and A4 uses across the site. This will ensure that the vitality and vibrancy of the area is enhanced and the town centre role in this part of the Central Area is strengthened in accordance with Policy DP12.

8.111 The principle of the proposed mix of retail uses is set out in more detail below in paragraphs 8.233-8.248 however on the basis that there will be an increase of flexible A1/A3/A4 uses across the site, it is not considered that there should be any policy presumption against the loss of the existing pub itself.

8.112 It has been suggested by Camden officers, that as the current occupiers of the pub serve a distinct customer group it could be considered to be a community facility and thus Policy DP15 could be considered to apply. We respond to this below.

8.113 The Intrepid Fox has only occupied the pub since December 2006. It was previously located at 97-99 Wardour Street and relocated to its current location on St Giles High Street in December 2006.

8.114 Paragraph 15.7 of the reasoned justification for policy DP15 of the Camden Development Policies document, states that Camden will resist the loss of local pubs which serve a community role (for example by providing space for evening classes, meetings or performances) unless alternative provision is available nearby.

8.115 The Intrepid Fox describes itself as:-

**“Conceived by rock n’ roll, born the bastard child of punk; raised on streets filled with trash, worshipped on the altar of rock and welded to the engine by metal. Re-located to its new lair in St Giles in 2006, the Fox continues to uphold the alternative spirit”**

(<http://www.myspace.com/intrepidfox>).

8.116 The current tenants are considered to serve a niche clientele (heavy metal)

and are not a local community use which meets Camden's needs.

- 8.117 There are numerous available premises within the vicinity of the site which could be used for Class A4 purposes.
- 8.118 In addition, there are a number of other heavy metal pubs in the vicinity of the site including The Crobar, Manette Street, Soho, Garlic and Shots, Frith Street, Soho and the Hobgoblin in Kentish Town. There are also numerous heavy metal pubs in Camden Town including The World's End.
- 8.119 Even, if the use of the existing pub by the current tenants was to be considered as a community use, there are plainly adequate alternative facilities in the area with no shortfall in provision created by its loss.
- 8.120 It should also be noted that the existing tenants have a short lease with the owners which can be terminated at any time by both parties with short notice. Therefore the occupier could cease to trade from this site even in the absence of a wider application.
- 8.121 In addition, as a Class A4 use, the use itself of the current pub could be changed to Class A3, A2 or A1 use under permitted development rights.
- 8.122 The management of the Intrepid Fox have made clear on its Facebook page (<http://www.facebook.com/IntrepidFoxLive>) that it is not the place that is particularly important but the people stating that:-

"The management of The Intrepid Fox would like to reassure all, that contrary to speculation otherwise, we are alive, we are kicking and we are most certainly still a rock 'n rollin' down on St Giles High St. Much has been made of the re-development happening in the area and undoubtedly often change is inevitable. But also the heart and soul of the wily old Fox resides not in bricks and mortar but rather in the people who party with him every week-end. So for the foreseeable future we continue to bring you the hottest new bands in town and the dirtiest new sounds around".

8.123 It is considered that the proposal accords with the provisions of Policy DP15 and that the replacement of the existing pub complies with Camden's policies relating to community and leisure uses.

## **Proposed uses**

### **Housing**

8.124 Paragraph 50 of the NPPF identifies that to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:-

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.

8.125 Under paragraph 51 of the NPPF local planning authorities should normally approve planning applications for changes to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that

area, provided that there are not strong economic reasons why such development would be inappropriate.

8.126 The LP considers in policy 3.3 that the annual average target for housing delivery is 32,210 per year across London. The annual average housing provision monitoring target 2011-2021 in respect of new homes for Camden over the ten year period is 6,650 new homes, with an annual monitoring target of 665 new homes.

8.127 At a local level, Core Strategy policy CS6 considers that there is a need to provide high quality housing through maximising the supply of additional housing to meet or exceed Camden's ten year target of 5950 new homes from 2007-2017 and Camden's annual target of 595 new homes. The Council will seek to meet a borough wide affordable housing target of 50% and will seek to create mixed and inclusive communities across Camden.

8.128 Policy DP2 contained within the Development Policies document considers that the Council will seek to maximise the supply of additional homes in the Borough by inter alia:-

- a) Expecting the maximum appropriate contribution to supply of housing on sites that are underused or vacant, taking into account any other uses that are needed on the site; and
- b) Resisting alternative development of sites considered particularly suitable for housing.

8.129 Supporting paragraph 2.8 states that "housing is regarded as the priority land use of the Local Development Framework" and that "the Council will make housing its top priority when considering the future of unused and underused land and buildings".

8.130 The Draft Site Allocations document for the St Giles Circus reflects the priority for residential floorspace in this part of the borough, stating that "development will be expected to maximise the potential of sites to provide new housing (including affordable housing) while minimising the potential

conflicts between residential and other uses”.

- 8.131 Camden Planning Guidance 2: Housing (CPG2) states that the LDF seeks to make full use of Camden’s capacity for housing to establish a plentiful supply and broad range of homes.

### **Assessment**

- 8.132 Earlier paragraphs of this statement demonstrate that the provisions of LBC employment policies are met and officers and Members have agreed that the building is no longer suitable for employment use, it is therefore appropriate to turn to the consideration of residential use on the site.
- 8.133 The provision of residential accommodation as part of this proposal accords with the LP and Core Strategy policies and the policies contained within the NPPF.
- 8.134 The application proposes an additional 82 residential units within CPT or 27,613 square metres (GEA).
- 8.135 The provision of residential accommodation is a priority within the LP and the proposal represents a significant contribution of 12.3 % towards the annual monitoring targets for the borough thus complying with LP policy 3.3.
- 8.136 Camden’s policies also promote housing as a priority. Core Strategy policy CS6 recognises the need to maximise the supply of residential accommodation to meet or exceed targets which this proposal fully upholds.
- 8.137 CPT is particularly suited to conversion to residential, as explored within the Design and Access Statement at Section 6. The building currently provides outdated, outmoded office floorspace due to layouts and storey heights but these features lend themselves well to the provision of high quality, sustainable residential accommodation.



- 8.138 As set out in Policy DP 13, when it can be demonstrated that a site is not suitable for any business use other than B1 (a) offices, the Council may allow a change to permanent residential uses.
- 8.139 The proposals respond to the need for more housing in this area through the re-use of and investment in this underused building which cannot fulfil its strategic potential in its existing office use.
- 8.140 The new use will significantly add to the residential population and enhance the mixed use character of the area which accords with the provisions of the Planning Framework for St Giles and will ensure that the West End contains mixed and balanced communities.
- 8.141 The provision of residential accommodation within CPT will secure its economic future and meet the strategic aims of National, Regional and Local planning policies.

### **Affordable Housing**

- 8.142 Paragraph 50 of the NPPF states that where local planning authorities have identified that affordable housing is needed, they should set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.
- 8.143 Policy 3.11 of the LP advises that affordable housing tenure should be split into 40% intermediate housing and 60% social rented accommodation.
- 8.144 Policy 3.12 contained within the London Plan states that the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed used schemes. In assessing proposals, regard should be had to:

- a) the current and future requirements for affordable housing at local and regional levels;
- b) affordable housing targets adopted in line with policy 3.11;
- c) the need to encourage rather than restrain residential development;
- d) the need to promote mixed and balanced communities;
- e) the size and type of affordable housing needed in particular locations;
- f) The specific circumstances of individual sites.

8.145 LP Policy 3.12 adds that negotiations in respect of affordable housing on sites should “take account of their individual circumstances including development viability”.

8.146 At a local level, Development Policies policy DP3 considers that the Council will expect all residential developments with a capacity for 10 or more additional dwellings to make a contribution to the supply of affordable housing. The Council will seek to negotiate the development of individual sites on the basis of an affordable housing target of 50% of the total addition to housing floorspace. Furthermore, part (d) of policy DP3 advises that the Council will take into account the economics and financial viability of the development including any particular costs associated with a proposal.

8.147 Supporting paragraph 3.22 advises that a guideline of 60% social rented and 40% intermediate affordable housing proportions should be considered.

8.148 In assessing the affordable housing provision in accordance with the LP and Camden’s Development Policies, regard must be had to the economics of development and financial viability considerations associated with the

scheme proposals and other planning objectives and requirements.

- 8.149 At paragraph 2.39 of CPG2, it states that “the Council expects affordable housing and market housing to form integral parts of each development. A common design approach should be used, with high quality materials and finishes throughout. Where a development site is large enough to accommodate several residential blocks, market and affordable blocks should be spread evenly across the site. The layout of the development should optimise residential amenity for all tenures, and avoid concentrating affordable housing close to potential sources of disturbance such as service yards, traffic and railways”.
- 8.150 CPG2 goes on to state at paragraph 2.40 that in schemes with internal communal spaces, the Council does not seek to mix affordable and market dwellings on the same corridors or sharing the same stairs, lifts and entrance lobbies. The explanation for this is because occupiers have to pay a service charge and/ or management charge for the cleaning and maintenance of communal spaces, and the law requires that occupiers receiving the same common services should pay the same service charge regardless of tenure. Service charges are often a significant proportion of overall housing costs, and can simply be too high for the occupiers of affordable housing to pay. To ensure that service charges are kept to a minimum, the communal parts of affordable housing are generally designed for durability and low maintenance costs.
- 8.151 With regard to service charges, Paragraph 3.14 of the Development Policies document notes that the Council may consider an off-site contribution to affordable housing if the service or management charges of an on-site scheme would be too expensive for affordable housing occupiers or providers. This is only likely to arise where the development is too small to provide separate entrances and staircases for the market housing and affordable housing.

## **Assessment**

- 8.152 The proposal will deliver a comprehensive mixed use scheme which will secure the future of this important listed building and contribute to the renewal of this neglected, yet strategic location.
- 8.153 During the determination and subsequent refusal of the previous application it was apparent that the provision of on-site affordable housing was a priority for officers and Members.
- 8.154 In advance of submission of the previous applications, extensive analysis of the options for the incorporation of affordable housing within both CPT and CPH were fully explored in respect of design, amenity, occupation costs (such as service charge) and the financial viability of the whole project.
- 8.155 It was evident from the analysis undertaken that housing which is affordable cannot be provided within the existing buildings given the physical constraints of the listed building, occupation costs and the impact on the financial viability of the scheme.
- 8.156 On that basis, the applicants undertook an extensive site search of over 60 sites to seek to identify a site where affordable housing could be provided including Camden owned sites.
- 8.157 Identification of an appropriate site for the delivery of affordable housing during the timeframe of the previous application was not successful and in accordance with the criteria set out within paragraph 3.15 of the reasoned justification to Policy DP3, a financial contribution towards affordable housing was offered.
- 8.158 Following determination of the previous application, the applicant has acquired the public house immediately adjacent to CPH. This could be redeveloped to provide self-contained, affordable housing on-site comprising at least 13 units and 1,882sqm GEA in accordance with the

Council's policies relating to affordable housing.

- 8.159 The paragraphs below provide an assessment of the proposals against the NPPF, CPG2, Policy CS6 and DP3.

### **On-site affordable housing**

#### **The pub site**

- 8.160 As part of application 1A, it is proposed to construct 13 self-contained affordable housing units on the pub site. It is proposed that the affordable units will be 100% affordable rent.
- 8.161 Table 3 illustrates the proposed affordable housing mix.
- 8.162 The proposal represents 16% of the proposed new residential accommodation as on-site affordable housing provision on a unit basis and 7% (1,882 sqm GEA) of the proposed new residential accommodation on a floorspace basis.
- 8.163 The proposed tenure mix for the affordable housing is deemed to be acceptable. Affordable rent is a form of social rented housing and is recognised as such in section 68 the Housing and Regeneration Act 2008 and is included within the definition of affordable housing in the NPPF. It has also been introduced into Camden's SPG on Housing (Draft Amendments).
- 8.164 Affordable rent allows a more diverse offer for the range of people accessing social housing. Affordable rented homes are made available to tenants at up to a maximum of 80% of market rent and allocated in the same way as social housing is at present.
- 8.165 As the maximum reasonable provision on affordable housing on this site is lower than 30%, the provision of 100% affordable rented housing is considered appropriate and to comply with paragraph 2.44 of Camden's

## Draft Housing SPG.

- 8.166 The affordable housing provided will be managed by a Register Provider (RP) following a detailed tender process which requested bids from seven RP's including the London Borough of Camden. The applicants are in detailed discussions with the preferred bidder.
  
- 8.167 The affordable housing will be of a high quality, will comply with all relevant standards, it will be able to be effectively managed and have an appropriate level of occupational costs. This cannot be achieved in either CPT or CPH.
  
- 8.168 A financial viability assessment has been submitted to LBC to justify the maximum reasonable amount of affordable housing. The assessment uses a growth model approach. This will be scrutinised by consultants acting for LBC.
  
- 8.169 The maximum reasonable provision of affordable housing cannot be achieved in either CPT or CPH.
  
- 8.170 Whilst Application 1B provides 16 units and 1,978 sqm of floorspace, the difference between the two affordable housing options (1A and 1B) in terms of financial viability is such that both schemes are considered to provide the maximum reasonable amount of on-site affordable housing in accordance with Camden's policies
  
- 8.171 It may be considered by the Council that Application 1A represents the most appropriate provision in terms of residential mix and thus the maximum reasonable amount of affordable housing given housing need.

## **CPT – Design and management**

- 8.172 The following paragraphs provide further information to justify why the pub site represents the most appropriate location for the provision of on-site affordable housing and represents the maximum reasonable provision in accordance with policy.

- 8.173 Turning to CPT, the architects undertook a comprehensive assessment to see whether affordable housing units which are compliant with LP and Camden guidelines could be created in the context of the listed structure and external appearance of CPT.
- 8.174 It was recognised that the external appearance of CPT is the most significant element of the listed building and in order to prevent substantial harm to the significance of the building, internal partitions within the building need to respect the mullion lines and structural grid.
- 8.175 The listed status of the building also precluded the architects from considering the relocation of the lift cores and amendments to the size and layouts of the floorplates to accommodate affordable housing which complies with standards.
- 8.176 GLA Standards require dual aspect space to be created for affordable housing which in this building results in extremely large apartments (almost 200 square metres) being created.
- 8.177 There are two cores in the building as existing which, it was recognised could theoretically be adapted to create a separate entrance for affordable housing. The architects assessed this option and concluded that as separate lifts are required for different tenures, in this building this would require the provision of two additional lifts within the building which would have an impact on the core layout and thus plan form of the listed building.
- 8.178 Requiring tenures to use the same lifts also means that all units share the service charge equally. This would make the units unaffordable for a Registered Provider.
- 8.179 There is also additional service charge that is associated with tall buildings and particularly tall, listed buildings which affects costs.

- 8.180 It is also worth noting that all the RP's spoken to stated that the management costs associated with providing affordable units in this building would be too prohibitive and strongly advised that they would not be able to take such a scheme forward.

### **CPH – Design and management**

- 8.181 Turning to CPH, the applicant controls ten of the 36 units within CPH. The remaining units are sold on long leases to individual occupiers. The ten units are spread throughout the whole building and are likely to cause management difficulties for an RP in management terms. In addition, these units do not comply with LP and Camden standards for affordable housing.
- 8.182 It is not considered that these units provide quality affordable housing and the inclusion of the affordable housing units in the pub site means that including any units in CPH is not possible in terms of viability.
- 8.183 Overall, the architects have considered all options in design terms within the constraints of the existing building to enable affordable housing which meets current standards and guidelines to be included, within either CPT or CPH and this has demonstrated this is not achievable.

### **Financial viability**

- 8.184 In addition to the architectural studies which have been undertaken, the Financial Viability Assessment prepared by Gerald Eve LLP in May 2012 incorporated financial modelling to illustrate that the provision of on-site affordable housing within CPT, in accordance with policy, is not financially viable even if the design issues set out above were to be disregarded and cannot therefore provide the maximum reasonable amount of affordable housing on site.

### **Unit tenure and mix**

- 8.185 Policy 3.8 in the LP states that, Londoners should have a genuine choice of homes that they can afford and which meet their requirements for different



sizes and types of dwellings in the highest environments.

- 8.186 The Mayor's Housing SPG sets out the need for different unit sizes in private, affordable or mixed residential schemes. The general intent is to provide a larger amount of family sized accommodation. However, the SPG only sets out strategic London wide requirements and does not set targets for individual sites. The SPG recognises that housing should be appropriate to context and constraints within a particular site and that the requirement for units of different sizes varies widely between local area and further that local housing need requirements should not be the single determinant of housing mix sought on individual developments.
- 8.187 In considering the mix of uses and the appropriate contribution to the housing supply in Camden, the strategic aim of the Council is ensure that a variety and mix of housing is provided in the Borough to suit the widely differing social and economic needs of residents.
- 8.188 At a local level, policy DP5 contained within the Development Policies document states that the Council will seek to secure a range of self-contained homes of different sizes through ensuring that all residential development contributes to meeting the priorities set out in the Dwelling Size Priorities Table and expect a mix of large and small homes in all residential developments of 5 homes or more.

## Assessment

8.189 The Application 1A proposals include the following mix:

**Table 2 – Proposed Residential Mix**

|              | 1 Bed | 2 Bed | 3 Bed | 4+ Bed | Total |
|--------------|-------|-------|-------|--------|-------|
| <b>Units</b> | 24    | 37    | 29    | 5      | 95    |
| <b>%</b>     | 25%   | 39%   | 31%   | 5%     | 100%  |

**Table 3 – Proposed Affordable Housing Mix**

|              | 1 Bed | 2 Bed | 3 Bed | 4+ Bed | Total |
|--------------|-------|-------|-------|--------|-------|
| <b>Units</b> | 8     | 0     | 3     | 2      | 13    |
| <b>%</b>     | 61.5% | 0%    | 23%   | 15.5%  | 100%  |

**Table 4 – Proposed Private Residential Mix**

|              | 1 Bed | 2 Bed | 3 Bed | 4+ Bed | Total |
|--------------|-------|-------|-------|--------|-------|
| <b>Units</b> | 16    | 37    | 26    | 3      | 82    |
| <b>%</b>     | 19.5% | 45%   | 31.7% | 3.6%   | 100%  |

8.190 The affordable housing unit mix is dictated to a great extent by townscape and heritage considerations. Notwithstanding this, the proposed mix has sought to ensure that the highest number of family sized units possible is contained within the affordable housing element of the scheme.

8.191 This includes one four bedroom unit to accommodate six people and one four bedroom unit to accommodate seven people. The three, three bedroom units can each accommodate five people.

8.192 The proposed mix ensures that the highest proportion of market units are two bedrooms in accordance with Camden's Core Strategy (paragraph 6.39) and Policy DP5 which seeks to encourage a range of unit sizes and tenures.

### **Housing Unit Sizes**

8.193 The Interim London Housing Design Guide provides minimum space standards for affordable housing residential developments and provides guidance on a full range of residential standards.

8.194 Further guidance is set out in Section 4 of Camden Planning Guidance 2: Housing.

### **Assessment**

8.195 All of the proposed residential dwellings meet or exceed the relevant housing standards.

8.196 The following range of typical unit sizes proposed with the development is contained in table 5. It should be noted that the internal layouts within apartments shown on the proposed affordable housing floorplans may be subject to design development.

8.197 The proposed residential unit sizes are as follows:

**Table 5 – Proposed Market Residential Unit Sizes**

| No. of bedrooms | Unit Size (sq m) |
|-----------------|------------------|
| 1               | 71               |
| 2               | 119              |
| 2 1/2           | 153              |
| 3               | 196              |
| 4               | 400              |
| Duplex (4)      | 709              |

**Table 6 – Proposed Affordable Residential Unit Sizes**

| No. of bedrooms | Unit Size (sq m) |
|-----------------|------------------|
| 1               | 52-58            |
| 2               | N/A              |
| 3               | 112              |
| 4               | 130              |

- 8.198 The residential apartments have been designed in accordance with the Interim London Housing Design Guide, August 2010 and set out in Section 6 of the Design and Access Statement, all minimum space standards are exceeded.
- 8.199 It should be noted that the affordable housing block will have a single lift core serving more than seven storeys which does not comply with the Housing Design Guide. It is considered however, that as there are only 13 units served by the lift which would result in a low overall usage and in addition, all registered providers confirmed that two lifts would be unviable.
- 8.200 Further detail on this is set out within the Design and Access Statement in Section 8.
- 8.201 Camden Planning Guidance Standards contained within CPG2 are also met by the proposals.

#### **Lifetime Homes and Wheelchair accessible units**

- 8.202 The London Plan at Policy 3.8 advises that Londoners should have a genuine choice of homes that they can afford and meet their requirements for different sizes and types of dwellings. Furthermore, the policy advises that all new housing is built to 'Lifetime Homes' standards.
- 8.203 Policy DP6 contained within LBC's Development Policies considers that all housing developments should meet lifetime homes standards and 10% of homes development should either meet wheelchair housing standards or be easily adaptable
- 8.204 Supporting paragraph 6.7 considers that each housing tenure should include a 10% wheelchair provision. Within the affordable rented and intermediate tenure, 10% of the units should be designed and fully fitted out to meet wheelchair homes standards. The market housing tenure does not need to be fully fitted out but should be laid out to meet the necessary circulation space.

- 8.205 Section 5 of CPG 2: Housing relates to Lifetime Homes and Wheelchair Housing and states that all residential development should meet the 16 criteria that form the Lifetime Homes standards.
- 8.206 It goes on to confirm that the standards will be applied flexibly to existing buildings and that 10% of market housing should meet wheelchair housing standards or should meet the 13 key Habinteg wheelchair housing criteria.

### **Assessment**

- 8.207 All of the proposed market residential units are designed to meet Lifetime Homes space standards. The majority of the apartment types have been developed to be easily adaptable to Habinteg wheelchair space standards as is made plain at Section 6 of the Design and Access Statement and has been agreed by Camden's access officer.
- 8.208 The units that are adaptable to wheelchair standards are spread throughout the tower on all levels, include east or west facing units, and those with a dual aspect. They also represent a mix of unit sizes.
- 8.209 The existing units in CPH do not meet current housing standards and are unsuitable for affordable housing both in layout, access and space standards.
- 8.210 With regards to the proposed affordable units, given townscape, bulk and massing considerations it is not possible to provide wheelchair accessible units. To do this it would result in the two four bedroom units being converted to two, two bedroom units.
- 8.211 Further details are contained within the Design and Access Statement at Section 5

### **Housing Density**

- 8.212 Policy 3.4 of the London Plan states that development should optimise

housing output for different types of location within the relevant density range. Supporting paragraph 3.28 considers that it is not appropriate to apply the density matrix contained within Table 3.2 mechanistically as other factors need to be taken into account, including local context, design and transport capacity as well as open space and play space.

8.213 The Site is located in a prime inner London location where an efficient use of land is key. The PTAL for this site is PTAL level 6b where densities of 650-1100 habitable rooms per hectare are considered appropriate

8.214 The proposals will provide 496 habitable rooms on the site which equates to 689 habitable rooms per hectare.

## **Retail**

8.215 The proposal involves a significant improvement to the retail floorspace provided across the site and will include the provision of retail (Class A1), restaurant (Class A3) and bar (Class A4) floorspace to transform this area, to ensure this area becomes a world class space for people to meet, shop and eat.

8.216 At a national planning policy level, paragraph 23 of the NPPF states that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.

8.217 The guidance makes clear that local planning authorities should promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres.

8.218 Paragraph 23 goes on to state that it is important that needs for retail and other town centre uses are met in full and are not compromised by limited site availability.

8.219 At a regional level, the LP sets out a number of policies relating to town centres and retail development. Supporting and improving the retail offer of

the CAZ for residents, workers and visitors is a strategic priority (Policy 2.10).

8.220 Identifying, enhancing and expanding retail capacity to meet strategic and local need is a strategic function of the CAZ (Policy 2.11).

8.221 Of particular note policy 2.15 concerns town centres and in relation to planning decisions for retail proposals in town centres the policy cross references policies 4.7 and 4.8. The policy requires development proposals in town centres to:

- Sustain and enhance the vitality and viability of the centre
- Accommodate economic and/or housing growth through intensification and selective expansion in appropriate locations
- Support and enhance the competitiveness, quality and diversity of town centre retail, leisure and other consumer services
- Be in scale with the centre
- Promote access by public transport, walking and cycling
- Promote safety, security and 'lifetime neighbourhoods'
- Contribute towards an enhanced environment, urban greening, public realm and links to green infrastructure
- Reduce delivery, servicing and road users conflict.

8.222 Tottenham Court Road is identified as a CAZ Frontage within the hierarchy of London town centres in the LP. This is defined as a mixed use area usually with a predominant retail function. Annex 2 of the LP provides strategic guidance on policy directions for individual town centres, including their potential for growth.

8.223 Tottenham Court Road is identified in the LP as being within an



International Night Time Economy Cluster. Tottenham Court Road is stated to have a 'medium' policy direction which means 'a centre with moderate levels of demand for retail, leisure or office floorspace and with physical and public transport to accommodate it' (paragraph A2.6).

- 8.224 Policy 4.7 relates to retail and town centre development. In relation to strategic direction and planning decisions and policy 4.8 relates to 'supporting a successful and diverse retail sector'.
- 8.225 Policy 4.9 relates to small shops. The policy seeks contributions through planning obligations from large retail developments for the provision of affordable shop units suitable for small or independent retailers.
- 8.226 At a local level, the Core Strategy (policies CS1, CS3 and CS7) identifies Tottenham Court Road as a suitable location for accommodating growth in retail floorspace.
- 8.227 Policy CS1 sets out the distribution of growth within the Borough. The policy seeks sustainable development which makes the most efficient use of limited land and buildings. The policy directs new development to be concentrated in 'growth areas', including Tottenham Court Road.
- 8.228 Core Strategy policy CS7 relates to the LBC's strategy for promoting Camden's centres and shops, including the provision of additional retail floorspace. The Core Strategy recognises a need for between 27,000 and 31,000sqm of new retail floorspace in the borough by 2026, in addition to that planned to be provided at King's Cross and St. Pancras.
- 8.229 In terms of retail, the Development Policies, policy DP10 relates to helping and promoting small and independent shops.
- 8.230 Policy DP12 relates to supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses.

- 8.231 The Area Planning Framework sets out at paragraph 4.22 that the area's very good public transport accessibility and activities for which the adjoining areas are renowned, suggest that the area should have street level uses that would complement those of its neighbours.

### **Assessment**

- 8.232 The proposal involves the creation of 8,155 square metres of retail/restaurant/bar floorspace (Class A1/A3/A4) to enhance and transform this area.
- 8.233 The proposal results in an increase in 268 sqm of retail floorspace GEA.
- 8.234 In addition, it is important to note that there will also be a significant increase in the quality of the retail floorspace and the quantity of trading floorspace with the incorporation of CPL and the first floor of CPH.
- 8.235 The eastern end of Oxford Street is located within the West End Retail Special Policy Area which is identified as an area where there is a need for an increase in the quantum and quality of retail floorspace.
- 8.236 In addition, the West and North West part of the site form part of a Central London Frontage. Policy CS7 of the Core Strategy identifies the main shopping streets in Camden's Central London area as Central London Frontages and will promote some provision of retail growth in these areas where opportunities emerge.
- 8.237 The proposed mix of retail units will uphold and support the strategic priorities and function of the CAZ as set out in the London Plan.
- 8.238 The proposed mixed and balanced retail floorspace within the scheme is extremely well placed to support the objectives of the Central London Frontages of Charing Cross Road, Tottenham Court Road and the western end of New Oxford Street.

8.239 The proposal involves the creation of eight retail units within CPL and the lower levels of CPH and the base of the pub site. The retail within CPL will have frontages to both St Giles High Street and New Oxford Street and some of the retail within CPH will have frontages to both St Giles High Street and Earnshaw Street, thereby activating and enlivening the frontages all around Centre Point.

8.240 It is intended that all eight units will have a flexible Class A1/A3/A4 use as no operators have yet been identified for the units. In addition some of the units could be amalgamated once operators are identified and it is intended that this should also remain flexible as part of the proposal.

8.241 The fit out of each unit will depend on the size and use of each of the units required at a particular point in time.

8.242 The table below sets out the indicative 'shell size' of the eight units.

**Table 7 – Indicative sizes of proposed retail units**

| Unit | Shell size (sq m) |
|------|-------------------|
| R2   | 543               |
| R3   | 666               |
| R4   | 1,516             |
| R5   | 824               |
| R6   | 246               |
| R7   | 28                |
| R8   | 11                |

|              |              |
|--------------|--------------|
| R9           | 212          |
| <b>TOTAL</b> | <b>4,046</b> |

8.243 The proposed retail units can be summarised as follows:-

- a. Unit R2 (Basement, Ground and mezzanine floor CPL) – This unit was previously known as Bar 101, it is currently occupied as Apartment 58 and contains many of the features of the original Nat West Bank.
- b. Unit R3 (Part ground and second floor CPL) – This unit could be independently operated, accessed from a lobby at ground floor level from the new square or could be linked to R04 on the level below in CPL.
- c. Unit R4 (Ground floor CPH and first floor CPL) – This will be an impressive retail/restaurant/bar space occupying the first floor of CPL. It is most likely that this space would be occupied by a restaurant (Class A3).
- d. Unit R5 (Ground and first floor CPH) – This space is created by removing the intermediate mezzanine level in CPH and creating a double height volume behind the brise soliel.
- e. Unit R6 (Ground floor CPH) – This will be a ground floor unit opening onto the new square. This could be subdivided into two or three smaller units and open on to Earnshaw Street as well.
- f. Unit R7 (Ground floor CPH) – This will be a new unit located on the East-West Link;
- g. Unit R8 (Ground floor CPL) – This will be a new micro-unit located adjacent to the CPH entrance.
- h. Unit R9 (Ground floor pub site) – This will be a new unit at ground floor level of the AH block.

8.244 It is also proposed to create a new route through the retail space in CPH to Earnshaw Street.

- 8.245 The proposed quantum of retail will also create a significant number of flexible (full time and part time) jobs. This has been estimated at around 330 new jobs created by the new retail floorspace and 420 jobs created in total.
- 8.246 This area will be transformed as a result of this development and adjacent developments at Denmark Place and No.1 Oxford Street and it is considered appropriate to apply for flexible uses and sizes for the units as these will need to respond to other developments and the new square itself.
- 8.247 Overall, it is considered that the proposed retail floorspace is of an appropriate scale and quality to bring vitality and viability to this area in accordance with national, regional and local policies.

### **Mixed Use Development**

- 8.248 Promoting mixed-use development is one of the core principles of the NPPF and it suggests at paragraph 69 that mixed use developments can promote healthy communities.
- 8.249 Mixed use development is a central theme of both the LP and Camden's LDF.
- 8.250 Policy DP1 states that where a proposal will increase the total gross floorspace by more than 200 square metres, the Council will expect a contribution to the supply of housing.
- 8.251 The proposal involves an increase of 268 square metres of retail floorspace and a significant increase in residential floorspace of 29,775 square metres. Much of the existing retail floorspace is taken up by ancillary storage space.
- 8.252 The residential-led, mixed use proposal therefore complies with the provisions of national, regional and local planning policies.

## Transport

- 8.253 Paragraph 29 of the NPPF states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
- 8.254 Paragraph 37 states that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, leisure, education and other activities.
- 8.255 At paragraph 41 the NPPF supports that local planning authorities should identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice.
- 8.256 At a regional level, LP policy 6.3 states that “development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed”. The policy also indicates that transport assessments will be required in accordance with TfL’s Transport Assessment Best Practice guidance for major planning applications.
- 8.257 Policy 6.9 states that “the Mayor will work with all relevant partners to bring about a significant increase in cycling in London”.
- 8.258 Policy 6.10 indicates that **“the Mayor will work with all relevant partners to bring about a significant increase in walking in London, by emphasising the quality of the pedestrian environment, including the use of shared space principle promoting simplified streetscape, de-cluttering and access for all”**.
- 8.259 The Mayor’s Transport Strategy (2010) sets out policies and proposals to achieve the goals set out in the LP providing a vision of London as an exemplary sustainable world city.

- 8.260 At a local level, Core Strategy policy CS11 seeks to promote the delivery of transport infrastructure and the availability of sustainable transport choices, to support Camden's growth, reduce the environmental impact of travel and relieve pressure on the borough's transport network.
- 8.261 Development Policy DP16 seeks to ensure that development is properly integrated with the transport network and is supported by adequate walking, cycling and public transport links.
- 8.262 Development Policy DP17 seeks to promotes walking, cycling and public transport use, and as such, development should make suitable provision for pedestrians, cyclists and public transport.
- 8.263 Development Policy DP18 states that development should provide the minimum necessary car parking provision. In the Central London Area the Council will expect development to be car free.
- 8.264 The Council will strongly encourage contributions to car clubs and pool car schemes in place of private parking in new developments across the borough, and will seek the provision of electric charging points as part of any car parking provision.
- 8.265 To assess the overall implications of developments LBC, under policy DP16, expects the submission of a Transport Assessment where the implications of proposals are significant.

### **Assessment**

- 8.266 Steer Davies Gleave (SDG) has produced a Transport Assessment (TA) to support the application, the scope of which has been discussed with officers at LBC.
- 8.267 A significant number of meetings in respect of transport matters have been held with LBC, TfL, London Underground and Crossrail during the pre-

application process.

- 8.268 The site is very well located in terms of public transport with a PTAL rating of 6b and is immediately adjacent to Tottenham Court Road underground station and a large number of bus stops and routes via Oxford Street and Charing Cross Road
  
- 8.269 The TA considers that the proposed change of use of CPT will result in a reduction in the number of trips to and from the building (paragraph 1.16 of the TA).
  
- 8.270 There will also be a reduction in car trips from the existing situation of 27% (360 per day as existing to 260 per day as proposed – paragraph 1.16 of the TA). This will ensure that the Council's policies in relation to the reduction of the environmental impact of transport will be upheld by the proposals.
  
- 8.271 The removal of the closure of St Giles High Street from this application addresses the Council's and TfL's concerns in relation to the potential impact of the proposals on the Strategic Road Network
  
- 8.272 It has been agreed with Camden and TfL that the VISSIM model for the "D4" traffic management scenario is appropriate to be able to assess the Application 1A and 1B proposals.
  
- 8.273 The TA includes as part of its appendices a Delivery and Servicing Plan, a Framework Travel Plan and a Residential Travel Plan.
  
- 8.274 The proposed development will result in a reduction in the overall trips and as a result the overall effect of the proposals will be a reduction in transport impact when compared to the existing development.
  
- 8.275 It is considered that in transport terms the proposals comply with all relevant policies at all levels.



- 8.276 **Car and Cycle Parking** - The proposal will result in the reduction in the number of existing car parking spaces. The development was built with 153 car parking spaces originally.
- 8.277 There is also a condition attached to the original permission which states that the area proposed for car parking must be retained permanently for users of the building and not used for any other purpose.
- 8.278 There are currently 69 car parking spaces as existing which are used by occupiers of the building.
- 8.279 The previous proposal included the retention of 36 car parking spaces of the existing 69 car parking spaces.
- 8.280 The provision of car parking spaces was included as a reason for refusal of the previous application as it would “fail to promote more sustainable and efficient forms of transport” and would be contrary to policies DP17, DP18 and DP19.
- 8.281 This proposal has been amended so that only 17 of the existing car parking spaces within the basement are retained. This represents a reduction of 50% from the previous proposal and a 75% reduction from existing levels of parking and represents 0.12 spaces per residential unit. This accords with the provision of Policy DP19. One space will also be provided as a service space.
- 8.282 All car parking spaces will be able to connect to an electric charging point.
- 8.283 The scheme will be car capped and residents will not be able to obtain an on-street parking permit. This will ensure the development is not dependent upon travel by private motor vehicles.
- 8.284 The proposal as a whole is considered to promote sustainable and efficient travel through the substantial reduction in existing car parking provision.

8.285 The proposal will improve pedestrian links across the borough by introducing a pedestrian route through CPH in accordance with Policy CS11 (2a).

8.286 The proposal will result in a significant improvement in terms of facilities for cyclists with 235 cycles spaces provided across the site. Further detail is set out below and in the TA.

8.287 The proposal minimises the provision of private parking through a significant reduction in the existing number of car parking spaces. All parts of the basement that are currently occupied by car parking spaces and which can be converted to other uses, have been. A significant part of the existing car parking has been converted to provide plant, ancillary retail space and ancillary residential space. This is shown in the Car Parking Report prepared by Rick Mather Architects.

8.288 It should also be noted that the area currently occupied by car parking is restricted to use for this purpose and no other under the current permission.

8.289 TfL accepted the previous provision of 36 car parking spaces stating that:-

**“This equates to a ratio of 0.3 spaces per unit. Whilst TfL would prefer a car free development in recognition of the site’s excellent PTAL, it is ultimately accepted that this level of car parking is in line with the standards set out in the London Plan policy 6.13. No car parking is proposed for the non-residential uses, which is supported. Residents would then be prevented from applying for parking permits in the surrounding Controlled Parking Zone (CPZ), which is supported and should be secured as part of the Section 106 Agreement for the site”.**

8.290 Vehicle access is provided from Earnshaw Street via two vehicular lifts which replace the existing ramp. The level of car parking provision will actively discourage the use of private cars and promote alternative means of transport. For further detail refer to section 10.5 of the Design and

Access Statement and Section 3 of the TA.

8.291 The current building provides 42 cycle spaces in the basement access via the vehicular ramp. The proposal will provide a total of 235 cycle spaces (33 in the public space for customers of the retail units, 33 in the basement for retail staff and 169 in the basement for residents and visitors). Spaces in the basement will be accessed via the proposed car lifts.

8.292 **Electric Charging Points** – The development includes the provision of electric charging points for all of the proposed car parking spaces.

### **Servicing**

8.293 Policy DP20 deals with servicing and deliveries and states that the Council will expect development that would generate significant movement of goods or materials by road, both during construction and in operation, to be located close to the Transport for London Road Network or other Major Roads, accommodate goods vehicles on site and seek opportunities to minimise disruption for local communities through effective management.

8.294 The TA at section 8 provides details about the existing and proposed servicing arrangements.

8.295 The existing buildings are currently serviced from the basement and this will continue albeit with the inclusion of a managed ground level service area accessed from Earnshaw Street.

8.296 Current servicing activity generates approximately 131 vehicles per day and it is anticipated that there will be reduction to 111 daily trips (Section 8 of the TA).

### **Sustainable Development**

#### **Climate Change and Sustainability**

8.297 The NPPF sets out the Government's overarching planning policies on the

delivery of sustainable development through the planning system.

- 8.298 Section 10 of the NPPF identifies the role that planning plays in helping shape places to secure radical reductions in greenhouse emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.
- 8.299 The Mayor's vision in the LP is to ensure London becomes an exemplary, sustainable world city whilst allowing London to grow in a responsible and considered socio-economic manner.
- 8.300 LP Policy 5.1 seeks to achieve an overall reduction in London carbon dioxide emissions of 60% (below 1990 levels) by 2025.
- 8.301 Policy 5.2 states that proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the Mayor's energy hierarchy.
- 8.302 Major development proposals should include a detailed energy assessment to demonstrate how the minimum target for carbon dioxide emissions reduction outlined above are to be met within the framework of the energy hierarchy.
- 8.303 Policy 5.3 states that development proposals should ensure that sustainable design standards are integral to the proposal, including its construction and operation, and ensure they are considered at the beginning of the design process.
- 8.304 Policy 5.6 considers that development proposals should evaluate the feasibility of a Combined Heat and Power system which should seek:
- Connection of existing heating or cooling networks;
  - Site wide CHP network;
  - Communal heating and cooling.

- 8.305 Policy 5.7 seeks to increase the proportion of energy generated from renewable sources, and that the minimum targets for installed renewable energy capacity will be achieved in London. Development proposals should provide a reduction in carbon dioxide emissions through the use of onsite renewable energy generation, where feasible.
- 8.306 All renewable energy systems should be located and designed to minimise any potential adverse impact on biodiversity, the natural environment and historical assets.
- 8.307 Policy 5.10 states that the Mayor will promote and support urban greening such as new planting in the public realm which includes tree planting, green roofs and walls and soft landscaping.
- 8.308 Policy 5.11 encourages the use of roof, wall and site planting, especially green roofs and walls where feasible, to deliver as many objectives of draft Policy 5.11 as possible.
- 8.309 Camden Core Strategy policy CS13 advises that the council will require all developments to take measures to minimise the effects of and adapt to climate change.
- 8.310 Development Policies policy DP22 requires development to incorporate sustainable design and construction measures including providing green and brown roofs; meeting Code for Sustainable Homes level 4 by 2013; expecting developments to meet very good in Eco Homes prior to 2013 and encouraging 'excellence' from 2013; expecting non-domestic development to achieve 'very good' BREEAM assessments and 'excellent' from 2016; and ensuring schemes include appropriate climate change adaptation measures, such as:
- summer shading and planting;
  - limiting run-off;

- reducing water consumption;
- reducing air pollution; and
- not locating vulnerable uses in basements in flood-prone areas.

8.311 The Tottenham Court Road Station and St Giles High Street Area Planning Framework advises that the design of new development in the area should incorporate principles of environmental sustainability, particularly in respect of ventilations, energy and water use, materials, and flexibility of layout.

### **Assessment**

8.312 An Energy Statement has been prepared by Grontmij and accompanies the planning application. This assesses how the building accords with policies and principles for sustainable development and energy efficiency. The content of this statement has been discussed with the GLA and London Borough of Camden during the pre-application consultation process.

8.313 The proposals seek to follow the Mayor's energy hierarchy of Lean, Clean and Green and are targeting to achieve a carbon saving of 29% on baseline emissions for the residential areas.

8.314 For the proposed retail elements of the scheme a BREEAM 'very good' is targeted whilst the affordable residential element is targeting Code for Sustainable Homes Level 4 and the private residential is targeting BREEAM domestic refurbishment level "very good".

8.315 Various renewable energy technologies have been considered as part of the energy strategy, including ground source heat pumps, wind turbines, biomass, and photovoltaics but these have been proven unfeasible given the physical constraints of the Grade II listed building. Further detail is set out in chapter 6 of the Energy Statement.

8.316 The following commitments by the Applicant also demonstrate that the development will continue to improve the environmental performance of

London's built environment by reducing emissions through improving energy efficiency and generating energy services efficiently and implementing building integrated renewable energy technology as sought through the Mayor's energy hierarchy. The Energy Statement proposes the following energy efficient measures:-

*Use less energy – 'Be Lean':*

- Façade performance optimisation;
- Natural and Mixed mode ventilation;
- High solar and thermal performance building envelope;
- Low energy white goods;
- High efficiency vertical transportation;
- Low energy culture;
- Energy efficient lighting and controls;
- High efficiency heat pumps;
- Automatic metering and targeting;
- Power factor correction;
- Heat recovery;
- Viable speed control on pumps and fans.

8.317 The development as a whole is anticipated to exceed the requirements of Part L: 2010 of the Building Regulations by employing active and passive energy efficiency measures that reduce energy use.

8.318 The 'Lean' building carbon dioxide emissions are 0.1 tonnes of CO<sub>2</sub> per year for regulated energy.

*Supply energy efficiently – 'Be Clean':*

- Site wide Air Source Heat Pump system;
- Gas-fired Combined Heat and Power unit (CHP);
- Provision for connection to a future heat network;
- A study into the potential for a combined energy centre with an

adjacent development site is being investigated.

- 8.319 The above measures would result in a reduction of the total CO2 emission of 26.9% when measured against the 2010 Part L benchmark.

*Use renewable energy – ‘Be Green’:*

- 8.320 A number of measures have been considered but due to the existing building constraints it has not been possible to adopt renewable technologies within the scheme.
- 8.321 Appropriate areas for the location of solar technology are directly overshadowed by CPT and neighbouring buildings. In addition, no structural works are proposed to the building foundations and as such ground sourced technologies cannot be adopted.
- 8.322 As a result, no reduction of the total CO2 emissions can be attributed to renewables.
- 8.323 In respect of the energy strategy, the scheme has been designed such that it exceeds Part L 2010 regulations through a combination of passive design and efficiency measures. The proposal seeks to provide a 27% reduction (101.9 tonnes CO2 reduction) in carbon emissions when compared against 2010 regulations. Further details are contained within the Energy Statement.
- 8.324 The proposal will be future proofed to enable connection to a district heating network at a later date, if feasible and viable.
- 8.325 The energy efficiency of the development has been optimised and thus complies with policies in the London Plan, Core Strategy policy CS13 and Development Policies DP22.
- 8.326 The applicant has met with LBC, the Carbon Trust, Mitie and Consolidated Land (the adjacent land owner) to discuss the potential for a Decentralised Energy Network between the two developments. It was agreed by all



parties that this was unlikely to be feasible given the variety of land ownerships in this area and the costs and legal issues associated with this.

8.327 The applicant is however, in discussions with Consolidated Land to review options for Low Grade Heat Exchange between the two sites.

8.328 Overall, the energy efficiency of the building has been optimised as far as possible within the constraints of the listed building and thus complies with policies in the LP, Core Strategy and Development Management Plan.

### **Listed Buildings and Conservation Areas**

8.329 Under paragraph 128 of the NPPF, in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

8.330 Paragraph 131 states that in determining planning applications, local planning authorities should take account of:-

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

8.331 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or

destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a Grade II listed building, park or garden should be exceptional (paragraph 132).

- 8.332 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (paragraph 134).
- 8.333 LP policy 7.9 states that regeneration schemes should identify and make use of heritage assets and reinforce the qualities that make them significant.
- 8.334 Policy CS14 contained within LBC's Core Strategy, sets out the requirements to safeguard Camden's heritage. The overall strategy is to sustainably manage growth in Camden in a way that conserves and enhances the heritage and valued places that give the borough its unique character.
- 8.335 Development policy DP25 indicates that to maintain the character of Camden's conservation areas, the Council will:
- a. take account of conservation area statements, appraisals and management plans when assessing applications within conservation areas;
  - b. only permit development within conservation areas that preserves and enhances the character and appearance of the area;
  - c. prevent the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area where this harms the character or appearance of the conservation area, unless exceptional circumstances are shown that outweigh the case for retention.

- 8.336 The Denmark Street Conservation Area Appraisal and Management Strategy 2010 sets out the Council's approach to the preservation and enhancement of the Denmark Street Conservation Area.
- 8.337 Centre Point is identified in sub area 3 as forming a distinct block which is surrounded by heavily trafficked streets, where the quality of the street environment of the site is poor.
- 8.338 The Management Guidelines issued by London Borough of Camden provide details of the special interest of the building. The Guidelines state that the external form and cladding of all elements of Centre Point contribute to the special interest of the listed building, particularly the sculptural form of the tower building.
- 8.339 The Conservation Area Appraisal recognises that the planned highways improvements in the 1960's were abandoned and left the site unfinished and unresolved, being particularly hostile to pedestrians.

### **Assessment**

- 8.340 The proposals represent a heritage led approach to the listed building with minimal intervention and the retention of all elements of the special architectural and historic interest of the building.
- 8.341 The only area of more significant alteration is the demolition and rebuilding of the pub adjoining CPH.
- 8.342 The listing description provided by English Heritage, dated 1995, provides the most concise and authoritative account of the existing buildings. This is attached as appendix 4 and is assessed in detail within the Visual Impact Study prepared by Miller Hare and Francis Golding at paragraph 5.1.
- 8.343 The special interest of the building is provided in the Management Guidelines issued by Camden in May 2000, further details of which can be found in section 5 of the accompanying Visual Impact Study prepared by

Miller Hare and Francis Golding.

- 8.344 It is recognised in all documents that it is the external form and cladding of all the elements of the building that contribute to its special interest, and most importantly the sculptural form of CPT.
- 8.345 The relative degree of significance of each element of the building is recognised as being:-
- 1) CPT
  - 2) CPL
  - 3) CPH
  - 4) The pub site
- 8.346 It is recognised that there are elements of the interior which are of interest but these are limited.
- 8.347 The Denmark Street Conservation Area Appraisal and Management Strategy was adopted in March 2010 and a detailed account of the historic development of the area is described in the Visual Impact Study at Section 6.
- 8.348 **CPT** – The approach to CPT means that the alterations at the upper levels and to the fenestration are barely visible in views and are considered to have limited or no impact on the special interest of the building.
- 8.349 At ground floor level the alterations are more obvious but the proposals to relocate the external staircases inside the building and the incorporation of full height glazing to provide a high degree of transparency will better reveal the significance of the building.
- 8.350 **CPL** – The compositional layers of CPL will be preserved with the removal of partitions to reveal the six supporting columns and the removal of the film on the glazing will improve the appearance of this element and help to reveal its significance.

- 8.351 **CPH** – The proposed works to the upper elevation of CPH seek to restore this element to its original design intention as explained in detail in the Design and Access Statement. These proposals are considered, in the Visual Impact Study to be an improvement to this element of the building which is particularly noticeable from Bucknall Street.
- 8.352 At the lower levels it is recognised that CPH has undergone considerable changes which mean that this part does not contribute to its significance. The proposed alterations seek to enhance the appearance of this part of the building and have been designed in the context of the Brise Soleil and upper parts.
- 8.353 The proposal involves the creation of an East-West Link as requested by officers.
- 8.354 **The Pub Site** – The proposal involves the demolition of the existing four storey pub.
- 8.355 The pub is not considered to contribute to the significance of the listed building. Indeed no reference of this element can be found in the listing description despite this being a fairly detailed account of the existing buildings.
- 8.356 It is a structurally separate block and is currently in very poor condition.
- 8.357 Nonetheless the pub is assessed below on the basis that it is an integral part of the listed buildings as a whole composition.
- 8.358 In the Management Guidelines issued by Camden in May 2000 state that “the alterations to the ground floor public house means that it no longer contributes to the special interest of the building”.
- 8.359 It is also not considered to contribute to the significance of the Denmark Street Conservation Area or the setting of the adjacent Conservation Areas. Indeed it could be identified as an element which detracts from the

character and appearance of the Conservation Area in which it is located and adversely impacts upon the setting of adjacent Conservation Areas.

- 8.360 The existing building relates poorly to the public realm.
- 8.361 On that basis the demolition of the existing pub will not lead to substantial harm or total loss of significance of the listed building.
- 8.362 Arguably as this element this element does not contribute to the special interest of the listed building and detracts from the character and appearance of the conservation area it is possible to state that this element of the proposal will result in no harm to the significance of the buildings as a Designated Heritage Asset.
- 8.363 Nonetheless, we have analysed the issues as if the loss of the pub were to be considered to result in less than substantial harm.
- 8.364 In this context, it is considered that the very considerable public benefits of the provision of 13 affordable housing units and the significant enhancements to the buildings overall, result in public benefits which outweigh any perceived harm to the listed buildings. Thus the proposal can be considered on our analysis to comply with paragraph 134 of the NPPF.
- 8.365 Overall in heritage and conservation terms, the proposals will secure the future of this important landmark building.
- 8.366 The design approach will sustain and enhance the significance of the designated heritage asset and put it to viable uses consistent with the building's conservation.
- 8.367 The proposals would enhance the contribution that the building makes to the local character and distinctiveness by virtue of the restoration and design details which have been informed by a demonstrable understanding of the significance of the historic environment in this area. The proposals make better and more efficient use of the heritage asset through a change

of use and the alterations and extensions would reinforce the qualities that make the building significant. The proposals therefore meet national, regional and local policies in respect of heritage and conservation.

## **Design**

- 8.368 The Government attaches great importance to the design of the built environment in the NPPF. Paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
  
- 8.369 At paragraph 57 the NPPF stipulates that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
  
- 8.370 Paragraph 61 identifies that securing high quality and inclusive design goes beyond aesthetic considerations. Therefore planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
  
- 8.371 LP policy 7.1 advises that new development should be designed so that the layout, tenure mix of uses and interface with the surrounding land will improve people's access to community infrastructure.
  
- 8.372 Policy 7.2 requires all new development in London to achieve the highest standards of accessible and inclusive design.
  
- 8.373 Policy 7.3 advises that Boroughs should seek to create safe, secure and appropriately accessible environments. Development should be consistent with the principles of 'Secured by Design'.
  
- 8.374 Policies 7.4, 7.5 and 7.6 relate to ensuring that development respects the local character of the area; promotes high quality public realm; and ensure that the architecture makes a positive contribution to a coherent public

realm, streetscape and wider cityscape.

8.375 At a local level, Core Strategy policy CS14 seeks to ensure that new developments are attractive, safe and easy to use.

8.376 The aim of policy Development Policies DP24 is to require all developments to be of the highest standard of design.

8.377 Policy DP24 reflects the LP design principles and goes on to state that the Council will require all developments to be of the highest standard of design and will expect developments to consider:-

- The character, setting, context and form and scale of neighbouring buildings;
- The character and proportion of the existing building;
- The quality of materials to be used;
- The provision of visually interesting frontages at street level;
- The appropriate location for building services equipment;
- The provision of appropriate hard and soft landscaping; and
- The provision of appropriate amenity space.

8.378 Camden has also published a Planning Guidance SPD, April 2011 which establishes design principles to be used in the assessment of development proposals. The document reinforces or where necessary amplifies existing guidance and defines the Council's expectations for new buildings, as positive and enduring additions to this unique urban landscape. The key messages are to consider:

- The context of a development and its surrounding area;
- The design of the building itself;



- The use of the building;
- The materials used; and
- Public spaces.

8.379 The Tottenham Court Road Station and St Giles High Street Area Planning Framework states that new development and public spaces will be designed to the highest standards, befitting their location in an historic area at the heart of the capital city.

8.380 The framework goes on to set out general principles of design that should apply across the area:-

- Developments should relate effectively to the existing pattern and sizes of streets and blocks;
- Should be designed to provide for easy movement;
- Must take account of adjoining buildings, general pattern of heights in the area and the main views / vistas / landmarks;
- A high standard of building and landscape materials;
- Careful attention to architectural detailing;
- Incorporation of principles for environmental sustainability.

### **Assessment**

8.381 This section considers design matters relating to architectural and environmental quality and urban design. This report has considered the effect of the proposals as a whole (including the demolition of the existing pub) on the Grade II listed building and the designated Conservation Area in the previous section.

8.382 The importance of high quality, inclusive design which improves the

character and quality of an area is made plain within the NPPF and is described as being central to all objectives of the LP.

- 8.383 The building is an important part of the London skyline and is visible from all over the City.
- 8.384 The proposals represent a high quality, sustainable design approach to the existing buildings conceived by Rick Mather Architects and Conran and Partners.
- 8.385 A heritage-led approach to the existing building has been taken and where extensions and alterations are proposed these have been carefully considered to ensure that the original design intent of the buildings is upheld.
- 8.386 In respect of the redevelopment of the public house, this has been carefully designed to respond to the context of the listed buildings and surrounding Conservation Area.
- 8.387 Extensive discussions have been held with Camden's design and conservation officers since December 2012 which has influenced the design of the replacement building.
- 8.388 It was recognised that the pub site is challenging in terms of its context but also that the replacement of the existing building offers an excellent opportunity to enhance the townscape and public realm surrounding the site and better reveal the significance of the rest of the Centre Point complex.
- 8.389 Townscape parameters were agreed with officers which dictated the footprint of the replacement building. It was also agreed that the replacement building should only extend to approximately the height of Centre Point House.
- 8.390 The design evolution of this element of the proposal is described in detail in

## section 8 of the Design and Access Statement

- 8.391 The pub site is a triangular shape reflecting the historic street pattern. The proposal maintains the composition of the lower podium of CPH. This enables a retail unit to be created at ground floor level whilst respecting the residential properties within Central St Giles.
- 8.392 The ground floor will provide a more active and transparent ground floor, improving the relationship of this building with the surrounding building and streets.
- 8.393 This results in a wider element at ground floor level with a tapered building above comprising the residential floors.
- 8.394 This form will respect the setting of surrounding buildings and townscape. The western elevation of the building follows the diagonal line of the buildings opposite and reflects the historic line of St Giles High Street with the eastern elevation following the line of CPH.
- 8.395 This results in the prow of the building facing St Giles Church being narrower than part closest to CPH.
- 8.396 A double height glazed element is proposed on the southern elevation to activate the frontage and improve the building's relationship with the surrounding streets.
- 8.397 The access to the residential units above is proposed to be created from St Giles High Street with a glazed "strip" introduced vertically on the St Giles High Street, diagonal elevation where the stair core is proposed.
- 8.398 The proposed external finishes have been carefully considered to reflect the materials palette which is present on the existing buildings; fair faced concrete, black granite, ceramic tiles and timber.
- 8.399 The architects have worked closely with Francis Golding to ensure that the

proposals and particularly the replacement building on the pub site respect the special architectural and historic interest of Centre Point as a whole, respect the setting of the listed building and surrounding townscape and provide a high quality public realm.

- 8.400 The alterations and extensions to CPT, CPL and CPH have been kept to a minimum but it is at the lower levels of the building where the proposed changes will be most notable.
- 8.401 The design approach of incorporating delicate, clean lines to the lower levels of the buildings has been conceived to enhance the building and the areas around it.
- 8.402 Centre Point has never worked in terms of its relationship with the surrounding context and has been described as a “flawed icon”. It currently cannot fulfil its townscape potential at lower levels and the design approach will remedy the building’s flaws.
- 8.403 It is considered that the proposals for Centre Point as a whole support the design objectives of national, regional and local planning policies.

## **Views**

- 8.404 The London View Management Framework 2010 provides guidance on the policies in the London Plan for the protection of strategically important views in London, and explains how 26 views designated by the Mayor and listed in the London Plan are to be managed. The London View Management Framework was also published in July 2011 to reflect changes to the wording of the newly adopted London Plan.
- 8.405 In the local context, Core Strategy policy CS14 seeks to ensure that new developments are attractive, safe and easy to use whilst protecting the important views of St Paul’s Cathedral and the Palace of Westminster from sites inside and outside the borough and protecting important local views.

8.406 Supporting paragraphs 14.21 to 14.25 sets out LBC's intention for protecting the views set out by the London View Management Framework.

### **Assessment**

8.407 As part of the pre-application discussions for the previous application a number of key views were agreed with LBC. A separate series of views were agreed with officers in relation to the proposed redevelopment of the pub site.

8.408 All of these views are included in the Townscape and Visual Assessment with commentary.

8.409 With regards to the replacement building on the pub site, the assessment concludes that from St Giles Churchyard, the new affordable block is well designed and sits happily in its context. In terms of the view from Earnshaw Street/High Holborn, the existing pub is considered to detract from the quality of this view. The replacement of this with a striking and well-designed new building will sit well alongside the other elements of Centre Point. From Denmark Street looking east, the improvements brought about as a result of the removal of the pub is considered to be "major beneficial".

8.410 In relation to the other elements of the proposals, the Visual Impact Study concludes that given the minimal nature of the interventions and alterations to the building that the proposals will have a neutral, minor or beneficial impact on the agreed views of the building.

8.411 The limited impact of the proposal on the wider townscape and the heritage asset results in a design proposal which is consistent with relevant national, regional and local policy requirements and has the support of English Heritage and the Design Council.

## **Public Realm, Open Spaces and Routes**

- 8.412 Paragraph 73 of the NPPF identifies access to high quality open spaces and opportunities for sport and recreation as making an important contribution to the health and well-being of communities.
- 8.413 Paragraph 75 states that planning policies should protect and enhance public rights of way and access and that local authorities should seek opportunities to provide better facilities for users.
- 8.414 Policy 7.5 of the London Plan seeks to ensure amongst other objectives, that London's public spaces should be secure, accessible, easy to understand and maintain and incorporate the highest quality landscaping, planting, furniture and surfaces.
- 8.415 This area is included in the Mayor's Great Spaces initiative (a joint GLA and Design for London initiative). This seeks to support "the revitalisation of the capital's unique network of public spaces, and celebrate how London is transforming its streets, squares, parks and riverside walks into places people will want to use and enjoy all year round. Design for London and the London Development Agency will be working closely with London's boroughs and Transport for London on this major initiative that will drive up quality, celebrate success and help make London a better place".
- 8.416 At a local level, policy DP24 seeks to ensure that developments provide high quality landscaping proposals. Supporting paragraph 24.22 advises that new hard and soft landscaping should be of a high quality and should positively respond to its local character.
- 8.417 The Planning Framework for the area states that improving the public realm and transforming the area into an attractive, safe and vibrant place is one of the Council's priorities.
- 8.418 The framework identifies the crossroads around Tottenham Court Road underground station together with the land around the site, as public realm

opportunities that can be enhanced and extended to create 'places' in their own right, and will improve the setting of landmark buildings and promote the regeneration of the area.

- 8.419 In particular at paragraph 6.11 it states that the land at the foot of Centre Point Tower could be transformed into a new piazza that would bring a much-needed new sense of place to the Tottenham Court Road crossroads and enhance the setting of Centre Point.
- 8.420 The Site Allocations document for St Giles states that the guidance for the area is "to support high quality development appropriate to this Central London gateway and the creation of new world class public spaces".
- 8.421 This document highlights the issues currently experienced in the area and recognises that the immediate area is a heavily congested traffic island with a poor, hostile pedestrian environment.
- 8.422 Gillespies and Halcrow were instructed by the St Giles/Tottenham Court Road Urban Realm Steering Group to produce a proposal for a new public square and this scheme is fully supported by all parties and at an advanced stage of design development.

## **Assessment**

- 8.423 This proposal upholds and facilitates the strategic priority for the creation of a world class public space in St Giles and has been a fundamental element of the overall design approach.
- 8.424 Whilst the current proposals under Application 1A do not include the works proposed to create the public square as the required transport modelling and consultation has not been completed by TfL and Camden, the following paragraphs explain how the proposals included within this application support the initiatives being brought forward for the public space in St Giles.

- 8.425 The new Crossrail station at Tottenham Court Road is due to be operational by 2018. There will be new entrances to Crossrail and the underground stations immediately to the west of the Centre Point Tower.
- 8.426 This area will become an even more important gateway into Central London with an anticipated rise in pedestrian numbers from 30 million a year in 2009 to 56 million in 2018.
- 8.427 The restoration and enhancement of the building will enhance the setting and create a high quality backdrop to the new public space when it is brought forward.
- 8.428 The public space when it is brought forward could not be a success without a comprehensive restoration and regeneration of the existing buildings which will surround it.
- 8.429 The introduction of a sustainable mix of residential accommodation and flexible retail/restaurant/bar floorspace will enhance and revitalise the space proposed by TfL and Camden.
- 8.430 The infill under the link bridge which will be brought forward as part of Application 2 will create a northern boundary to the proposed square and provide an active frontage at ground floor level to the square, under CPL and to New Oxford Street.
- 8.431 This element of the proposal will also have the benefit of creating shelter from the effects of the wind in this area at the north east corner of the square.
- 8.432 The removal of the eastern and western staircase to within CPT will increase the amount of public space that can be delivered and enhance permeability for pedestrians through the space whilst also removing dark corners for anti-social behaviour.



- 8.433 The ground floor of CPT will incorporate a high proportion of glazing to maintain an active frontage which will enable CPT to engage with the space on its eastern and western frontages.
- 8.434 The proposed scheme incorporates a new pedestrian route, running from East to West. This will provide a link from the proposed public square to Earnshaw Street, through the base of Centre Point House. Camden officers consider this is an important route to link Soho, through Sutton Row, St Giles and on to the British Museum, via Bucknall Street and as a result has been included as part of the proposals.
- 8.435 A pedestrian route will also be maintained connecting New Oxford Street to the new square under CPL, running north to south.
- 8.436 The pavement width along New Oxford Street will be widened to enhance and enliven the relationship of the development with New Oxford Street.
- 8.437 Seating could be provided in connection with the proposed units around the base of the building in the new public square and benches/seating could also be provided within the space which will not be connected to any of the retail units.
- 8.438 Further details are contained within the Design and Access Statement in Section 9.
- 8.439 When it is brought forward, the proposed public space would allow a major transport interchange to exit directly into a public square which is unique to most underground stations in Central London. This will serve to give the public space its own distinctive character as an arrival and meeting location.

### **Residential Amenity**

- 8.440 LBC policy DP26 of the Development Policies considers that when considering applications for new developments and changes of use, the

Council will seek to protect or enhance the amenities of the area. The following sub headings consider the residential amenity aspects of the development proposal:

- 8.441 **Daylight and Sunlight** - At a local level, Development Policies DP26 states that the Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity. Supporting paragraph 26.3 advises that to assess whether acceptable levels of daylight and sunlight are available to habitable spaces, the Council will take into account the standards recommended in the British Research Establishment's Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice (1991).

### **Amenity Space**

- 8.442 At a local level, Policy DP31 contained within the Development Policies states that the quantity and quality of open space, outdoor space and recreation facilities in Camden are increased and deficiencies and under provision are not made worse.
- 8.443 With regard to residential proposals within the Borough, the open space calculation contained within the Camden Planning Guidance, 2006 (CPG) considers that open space is calculated using the ratio of one person per bedroom.
- 8.444 The Planning Framework advises that providing public amenity space as part of the design of new developments would add to the quality of developments, enhance the setting of buildings and views, and generally meet the needs of new residential users. The Council will seek public access to new amenity spaces.
- 8.445 CPG2 states that it is accepted in some instances that existing buildings may not be able to provide balconies or roof terraces but that access to external amenity space should be provided where possible (paragraph 4.30).

## Assessment

- 8.446 **Daylight and Sunlight** - The daylight and sunlight affecting the proposed development and surrounding properties is considered within the report prepared by Gordan Ingram Associates, included within the Environmental Statement, and assesses the impact of the proposal in terms of daylight and sunlight to surrounding properties and to the proposed development and also the impact of overshadowing on the proposed public realm and surrounding residential properties using both the Average Daylight Factor (ADF) and the Vertical Sky Component (VSC).
- 8.447 Chapter 9 of the ES relates to Daylight, Sunlight, Overshadowing, Light Pollution and Solar Glare. .
- 8.448 In terms of Solar Glare the proposals are concluded to be acceptable.
- 8.449 In terms of daylight, both VSC and no skyline have been tested within five properties. The findings of this have been summarised below.
- 8.450 In Matilda Apartments, of the 153 rooms assessed, 101 will still achieve the BRE recommended VSC level. There are effects beyond that recommended by the BRE in the case of 52 rooms. 19 of these are within a range considered as “minor adverse” effects. A further 29 rooms experience a VSC reduction which is considered to be moderate adverse. 4 rooms are considered to have an adverse impact.
- 8.451 1-3 Denmark Street and 1-5 Flitcroft Street will all achieve the recommended VSC level so are considered to have a negligible effect.
- 8.452 In 28 Denmark Street, 5 of the 6 rooms assessed are considered to have a moderate adverse effect as a result of the proposals and in 59 St Giles High Street, of the 4 rooms assessed the effect of the proposals is considered to be minor adverse with a small reduction in VSC.

- 8.453 In terms of No skyline (NSL), of the 61 rooms that do not meet the recommended VSC level, 38 do achieve the recommended NSL criteria. Therefore in total 161 of the 184 rooms meet either the VSC or the NSL criteria.
- 8.454 Overall, all rooms are considered to retained good daylighting levels for a dense urban location
- 8.455 With regards to sunlight, a total of 457 windows have been assessed in terms of sunlight. 412 windows achieve the BRE recommended annual and winter APSH levels and a further 32 windows are bedrooms and not considered relevant for analysis. Of the remaining 13 windows only 4 are considered to have an adverse impact.
- 8.456 It is important to note however, that in terms of VSC losses, the impact that the Central St. Giles proposal had upon CPH was greater than the impact that would occur to Central St. Giles as a result of the redevelopment of the pub site, with VSC reductions to some windows in CPH which were in excess of 50% and where the majority of impacts were generally in excess of 35% for the main part of the building.
- 8.457 Overall, in terms of sunlight and daylight the proposals are considered to be acceptable and consistent with levels experienced in a dense urban location. Further detail is set out in chapter 9 of the ES and Appendix 3 of the ES.
- 8.458 All of the affordable housing units have been configured to maximise the opportunities for natural daylight, with rooms orientated to provide the best views from the site. Most rooms are orientated to the south which provides exceptional views to St Giles Church whilst minimising overlooking and maximising privacy from surrounding buildings,
- 8.459 Further detail is set out within Section 8.9 of the Design and Access Statement.

- 8.460 **Amenity Space** - There is limited potential to create outside amenity space for the proposed units with CPT.
- 8.461 As set out above, the façade of CPT is identified as the most significant element of the listed building and creating balconies would not be appropriate in heritage terms.
- 8.462 Given that the option for creating balconies was not considered to be appropriate an internal amenity space for the units is created at first and second floor level containing a pool, gym, spa and club space and a terrace is provided with the unit at the top of the building.
- 8.463 With regards to the affordable housing units, all units are provided with private balconies or terraces.
- 8.464 Further detail is provided on this within the Design and Access Statement at section 5.7.

### **Playspace**

- 8.465 Policy 3.6 of the London Plan seeks to ensure that “all children have safe access to good quality, well designed, secure and stimulating pay and informal recreation provision”.
- 8.466 The London Plan SPG ‘Providing for Children and Young People’s Play and Informal Recreation 2008 sets out a methodology for the calculation of play space requirements. According to this methodology, it is anticipated that the proposal will generate 32 children between the ages of 0 and 16 years.
- 8.467 Proposed child yield: 320 sq m of playspace
- 8.468 The supporting paragraphs attached to Development Policies DP31 consider that the Council will expect on site a provision for play and informal recreation facilities for children and residents.

## **Assessment**

- 8.469 Options have been considered for the inclusion of child playspace. The upper floors of CPT are not appropriate given the constraints of the listed building and external options are constrained by the location of the site and the new public square.
- 8.470 Child playspace cannot be provided within the development but a children's playground is available at St Giles Church which adjoins the site to the south.
- 8.471 It is anticipated that a contribution to child playspace will be included within planning obligations.
- 8.472 Further details can be found in Section 6.7 of the Design and Access Statement.

## **Security and Community Safety**

- 8.473 The London Plan recognises that initiatives relating to policing and community safety and crime reduction are important in improving the quality of life of many Londoners. These include sensitive design and lighting, joint action to tackle crime on estates and measures taken through regeneration initiatives.
- 8.474 Policy 7.3 lists a number of design principles for new development including that they are safe for occupants and passers-by taking into account the objectives of 'Secured by Design', 'Designing out Crime'.
- 8.475 The Secured by Design initiative states that good design must be the aim of all those involved in the development process and should be encouraged everywhere. The objective of Secured by Design is to achieve a better quality of life by addressing crime prevention at the earliest opportunity in the design, layout and construction of homes and commercial premises.

- 8.476 The Government published Safer Places: The Planning System & Crime Prevention in 2004. This document firmly establishes this subject within the planning process and identifies Secured by Design as a successful model.
- 8.477 At a local level, Core Strategy policy CS17 advises that the Council will require all developments to incorporate design principles which contribute to community safety and security

### **Assessment**

- 8.478 The Lighting Strategy report outlines the lighting design strategy for the external image of Centre Point Tower, Centre Point Link and Centre Point House.
- 8.479 The lighting strategy has been carefully developed in consideration to a wide variety of functional and aesthetic criteria, including the impact of the lighting on the overall visual quality and character of the site and its local context.
- 8.480 The strategy ensures that a holistic and balanced approach will be used, considering less tangible 'qualitative' issues, alongside the more quantitative issues of visual function and efficacy.
- 8.481 The lighting design will provide a practical and sustainable response that enhances the user experience of the site both when viewed from a distance as well as from the adjoining public realm. The lighting strategy is included in Section 10 of the Design and Access Statement.

### **Waste**

- 8.482 The Mayor's Municipal Management Strategy, Waste Strategy 2000 requires a reduction in biodegradable waste going to landfill and therefore demands better sustainable waste management practices to be adopted by all.

- 8.483 At a local level, Core Strategy policy CS18 aims to reduce the amount of waste produced in the borough and increase recycling and the re-use of materials to meet the targets of 40% of household waste recycled by 2010, 45% by 2015 and 50% by 2020 and make sure that developments include facilities for the storage and collection of waste and recycling.
- 8.484 Development Policies policy DP26 advises that The Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity.
- 8.485 The proposal includes recycling facilities for both residential and commercial waste which comply with policies.

### **Ecology and Biodiversity**

- 8.486 Section 11 of the NPPF sets out the Government's guidance on the conservation of wildlife and natural features. It states that the planning system should contribute to and enhance the natural and local environment.
- 8.487 The UK Biodiversity Plan was published in 1994; the Mayor published his Biodiversity Strategy in 2002, the London Biodiversity Partnership published the London Biodiversity Action Plan 2001-2004.
- 8.488 At a local level, Core Strategy policy CS13 and Development Policies DP22 requires developments to incorporate green or brown roofs and green walls wherever suitable.

### **Assessment**

- 8.489 An Ecological Assessment has been undertaken by Grontmij and forms part of the application submission. The report does not identify any statutory conservation sites within 2km of the site.
- 8.490 The habitats on site have been deemed to be of low ecological value with



no invasive plant species on site at present.

8.491 The site is also assessed as being of low ecological value in accordance with the BREEAM Code for Sustainable Homes criteria.

8.492 No suitable habitat has been found on site for any other protected species than nesting birds and best practice methods will be incorporated on site to avoid any impacts on such.

### **Air Quality**

8.493 Under Policy 7.14 of London Plan, “Improving air quality”, boroughs should implement the Mayor’s Air Quality Strategy and work towards achieving reductions in pollutant emissions.

8.494 At a local level, Core Strategy policy CS11 promotes sustainable and efficient travel and policy CS16 seeks to improve Camden’s health and wellbeing.

8.495 Under Development Policies Policy DP32 the Council in assessing proposals will require air quality assessments where development could potentially cause harm to the air quality.

### **Assessment**

8.496 The ES comprises an assessment of the potential impacts on local air quality resulting from the proposed development.

8.497 The predicted impacts on local air quality arising from operational road traffic, peak construction road traffic, and construction plant during construction are predicted to be of negligible significance.

8.498 In addition, the site preparation, refurbishment and construction and operational phases will not have a significant overlap with other cumulative schemes.

8.499 All permitted schemes of the Tottenham Court Road Station Upgrade works, Crossrail and Crossrail OSD's, are included within the 2018 baseline assessment. Given that the operational impacts are predicted to be negligible, it is not anticipated that any of these developments, either individually or in combination, will lead to a significant cumulative impact.

## 9 Planning Obligations

- 9.1 Under Section 106 of the Town and Country Planning Act 1990, as amended, local planning authorities have the power to enter into planning obligations with any person interested in land in their area for the purpose of restricting or regulating the development or use of the land.
- 9.2 In accordance with Regulation 122 of the CIL Regulations, and paragraph 204 of the NPPF, a planning obligation should only be sought where they meet all of the following tests:
- a) Necessary to make the proposed development acceptable in planning terms;
  - b) Directly related to the proposed development; and
  - c) Fairly and reasonably related in scale and kind to the proposed development.
- 9.3 Paragraph 203 of the NPPF supports that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 9.4 Under paragraph 205 of the NPPF, where obligations are being sought, local authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.
- 9.5 Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects (Paragraph 206 NPPF).
- 9.6 Under Policy 8.2 of the LP 'Planning Obligations' boroughs should include appropriate strategic as local needs in their policies for planning obligations.

- 9.7 Policy 8.2 states that negotiations should seek a contribution towards the full cost of all such provision that is fairly and reasonably related in scale and kind to the proposed development and its impact on a wider area.
- 9.8 As set out in Camden Planning Guidance 8 (CPG 8) 'Planning Obligations', the use of planning obligations is an important tool in ensuring the delivery of necessary infrastructure to support the Local Development Framework.
- 9.9 The use of planning obligations is specifically required through Core Strategy policy CS19 'delivering and monitoring the core strategy' although a whole range of individual development policies may be used to justify an obligation.
- 9.10 Core Strategy policy 19 states that the Council will use planning obligations, and other suitable mechanisms, where appropriate, to; support sustainable development; secure any necessary and related infrastructure, facilities and services to meet the needs generated by development; and mitigate the impact of development.
- 9.11 The applicant confirms that they will enter into a Legal Agreement with the Council to secure the reasonable and necessary planning obligations associated with the development in accordance with Regulation 122 of the CIL Regulations, Circular 05/05 and Core Strategy Policy CS19.
- 9.12 The Community Infrastructure Levy Regulations in respect of this scheme only applies to the proposed increase in retail floorspace at ground floor level.
- 9.13 The viability report prepared by Gerald Eve LLP sets out more detail in respect of the Section 106 package.

## 10 Conclusions

- 10.1 The applicant has instructed Rick Mather Architects and Conran and Partners to design a scheme which includes a sustainable and balanced mix of uses, which maximise the use of the existing building, secure its long term future and facilitate the provision of a world class public space.
- 10.2 Taken as a whole, these proposals represent a first class, thoughtful and wholly appropriate regeneration proposal for an underused building which does not fulfil its potential.
- 10.3 The application proposals provide a unique opportunity to regenerate Centre Point, restore the listed building and secure its long term future and have been conceived in accordance with guidance contained within national, regional and local planning policy.
- 10.4 The proposal represents the most beneficial use of the building.
- 10.5 The existing inhospitable and illegible environment will be rejuvenated and transformed into a sustainable mixed use development in line with Government guidance.
- 10.6 In accordance with all levels of policy the scheme proposals will provide the following benefits:-
  1. The retention and comprehensive restoration of an existing Grade II listed building to ensure its viable use in the long term;
  2. The provision of an additional 95 new homes in the Borough including at least 13 affordable units upholding the strategic principles of mixed and balanced communities and supporting Camden's housing need;
  3. The provision of new and improved high quality retail floorspace;
  4. New employment opportunities and a range of jobs across the site;
  5. An excellent and contextual design approach which complements the special interest of the listed building and conservation area;

6. Creation of a safe and secure environment for existing and future residents, occupiers and employees.

10.7 The scheme proposals will meet and exceed the aspirations for the area set out in the proposed “Camden Site Allocations” submission document through the provision of:

1. A balanced mix of uses including market and affordable housing;
2. Sustainable design principles;
3. Development of the highest quality which preserves local amenity and seeks to enhance and preserve the character and appearance of conservation areas; and
4. Remedying the lack of open space in the area through the provision of a new space.

10.8 The proposed development will regenerate and transform the existing unsafe, inaccessible and inhospitable site into a new high quality mixed use scheme commensurate with its strategic location.

10.9 The development will deliver significant improvements to the public realm at this key strategic location in the Borough and provide publically accessible links through and beyond the site linking this area for the first time for pedestrians with Covent Garden and Soho.

10.10 The proposed scheme demonstrate that it satisfies and exceeds planning policies and guidance at all levels and goes to the very heart of the principles contained in the newly issued National Planning Policy Framework, the London Plan and the Camden Local Development Framework.

## APPENDIX 1

## **Centre Point**

### **Application 1A**

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#### **Schedule B – List of application documents (1 of 2)**

The planning and listed building consent application is accompanied by the following documentation:

##### **Planning Application:**

1. Covering letter;
2. Requisite application fee;
3. Red line site location plan;
4. Planning and listed building consent application forms;
5. Community Infrastructure Levy Form;
6. Certificates of ownership;
7. Notices.

##### **Reports**

8. Planning Statement;
9. Design and Access Statement;
10. Energy Strategy;
11. Plant Noise and Vibration Report;
12. Structural Summary (contained within Design and Access Statement);
13. Public Art Summary (contained within Design and Access Statement);
14. Lighting Strategy (contained within Design and Access Statement);
15. Management Strategy;
16. Retail Report;
17. Ecological Assessment;
18. Financial Viability Assessment (sent under a separate cover and CD);
19. Public Access Assessment Report;
20. Statement of Community Involvement.

##### **Application Drawings for Approval**

21. Drawings – please see drawing schedule.

##### **Illustrative Drawings and Material**

22. Illustrative graphical / visual information;
23. Other views / Images / Montages.

##### **Environmental Statement**

###### **Volume I**

24. Chapter 1: Introduction to the Environmental Statement;
25. Chapter 2: EIA Methodology;
26. Chapter 3: Alternatives and Design Evolution;
27. Chapter 4: The Proposed Development;
28. Chapter 5: Refurbishment, Demolition and Construction;
29. Chapter 6: Socio-economics;
30. Chapter 7: Traffic and Transportation;
31. Chapter 8: Wind Microclimate;
32. Chapter 9: Daylight, Sunlight, Overshadowing, Light Pollution and Solar Glare;



## **Centre Point**

### **Application 1A**

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- 33. Chapter 10: Air Quality;
- 34. Chapter 11: Noise and Vibration;
- 35. Chapter 12: Water Resources, Drainage & Flood Risk;
- 36. Chapter 13: Ground Conditions;
- 37. Chapter 14: Archaeology (Buried Heritage Assets);
- 38. Chapter 15: Cumulative Impacts;
- 39. Chapter 16: Residual Impacts and Conclusions
- 40. Chapter 17: Glossary of Terms

#### **Volume II**

- 41. Townscape and Visual Impact Assessment

#### **Volume III – Appendices**

- 42. Appendix A: EIA Scoping Report;
- 43. Appendix B: Wind Microclimate;
- 44. Appendix C: Daylight, Sunlight, Overshadowing, Light Pollution and Solar Glare;
- 45. Appendix D: Centre Point Residential Noise Report;
- 46. Appendix E: Flood Risk Assessment and Drainage Assessment;
- 47. Appendix F: Ground Conditions Desk Study and Basement Impact Assessment;
- 48. Appendix G: Transport Assessment; and
- 49. Appendix H: Archaeological Desk Based Assessment;

- 50. Non-Technical Summary

#### **Listed Building Consent application:**

- 1. Covering letter;
- 2. Red line site location plan;
- 3. Planning and listed building consent application forms;
- 4. Certificates of ownership;
- 5. Notices.

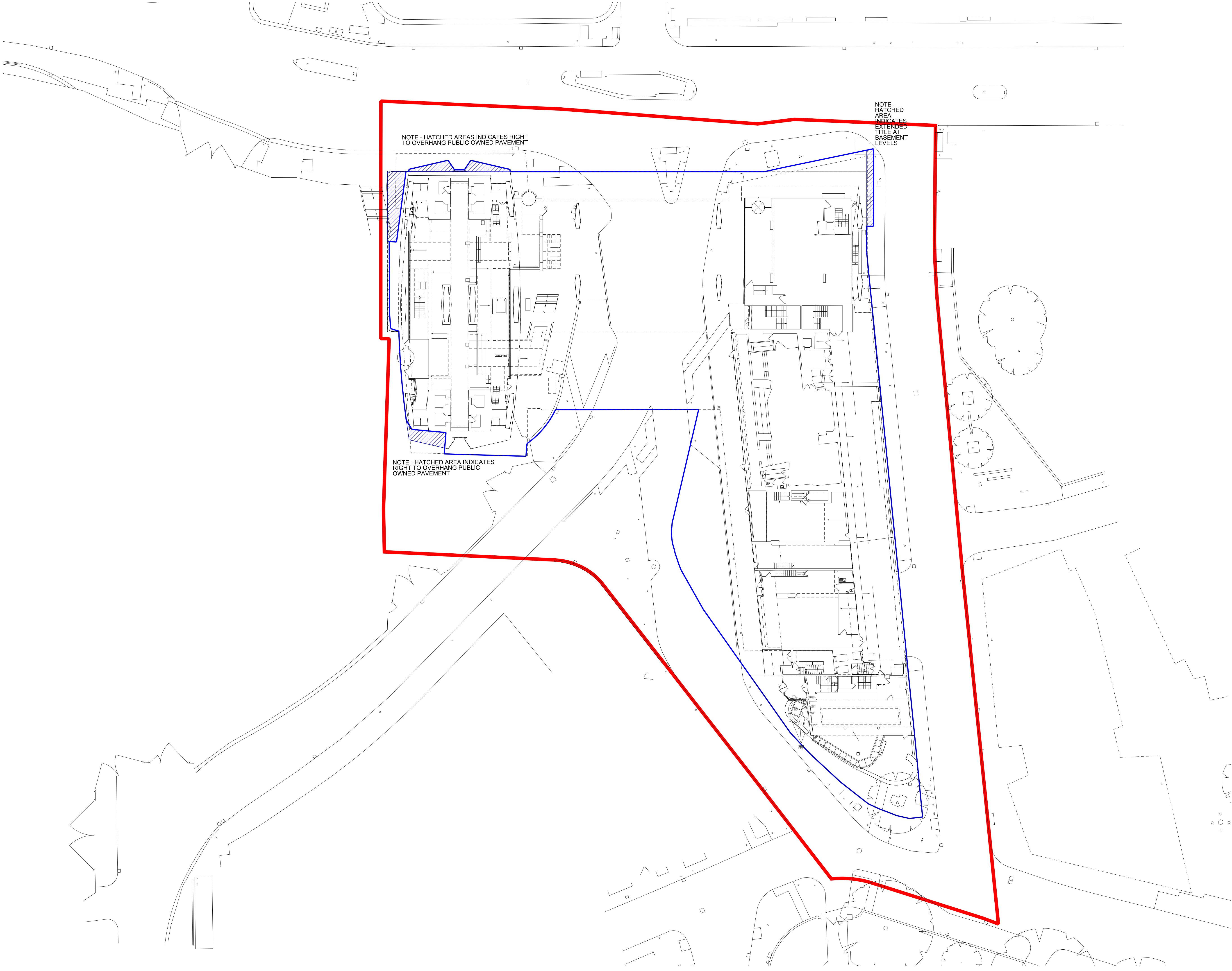
#### **Reports**

- 6. Planning Statement;
- 7. Design and Access Statement;
- 8. Townscape and Visual Impact Assessment.

#### **Application Drawings for Approval**

- 9. Drawings – please see drawing schedule

## APPENDIX 2



NOTES

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BOUNDARY KEY

|                               |   |
|-------------------------------|---|
| RED LINE APPLICATION BOUNDARY | — |
| OWNERSHIP TITLE BOUNDARY      | — |

REVISIONS

|     |          |   |
|-----|----------|---|
| PL2 | 26.03.13 | PLANNING ISSUE - UPDATED APPLICATION BOUNDARY |
| PL1 | 25.03.13 | DRAFT PLANNING ISSUE - FOR REVIEW             |
| REV | DATE     | DESCRIPTION                                   |

KEY PLAN

STATUS

PLANNING

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JOB

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TITLE

**RED LINE APPLICATION BOUNDARY**  
AS EXISTING - GROUND FLOOR  
AMALGAMATED DRAWINGS

|         |      |          |       |          |           |      |          |
|---------|------|----------|-------|----------|-----------|------|----------|
| DRAWN   | DMcC | JOB #    | 552   | DRG #    | 19012-CPA | REV  | PL2      |
| CHECKED | GM   | SCALE@A1 | 1:250 | SIZE     | A1        | DATE | APR 13   |
|         |      |          |       | REV/DATE |           |      | 26.03.13 |

## APPENDIX 3

## Centre Point

### Appendix 3 – Planning History Schedule

| Date Received | Reference No | Type of Application | Description  | Decision | Date of Decision |
|---------------|--------------|---------------------|--|----------|------------------|
|               | 2012/2895/P  | Full                | Change of use of Centre Point Tower from office (Class B1) and restaurant/bar (Sui Generis) use to residential use (Class C3) to provide 82 residential units and ancillary residential floorspace (spa, gym, pool and club). Change of use of Centre Point Link from office (Class B1) and bar (Class A4) use to flexible retail/restaurant/bar (Class A1/A3/A4) use and the erection of a ground floor extension partially infilling under the bridge link. Change of use of Centre Point House at first and second floor levels from office (Class B1) use to flexible retail/restaurant/bar (Class A1/A3/A4) use and alterations and extensions to the existing building at ground floor level to provide flexible retail/restaurant/bar (Class A1/A3/A4) use. Alterations to the exterior of Centre Point Tower, Centre Point Link and Centre Point House including the replacement and refurbishment of the facades including fenestration and shopfronts, new pedestrian link through Centre Point House and associated basement car parking, terraces, landscaping, public realm, highway works, servicing and access arrangements, and extract ducts.   | Refused  | 27/9/12          |
|               | 2012/2897/L  | LBC                 | Internal and external alterations including the relocation internally of the existing external ground and mezzanine eastern and western staircases, and the replacement and refurbishment of the facades including fenestration and shopfronts, all associated with the change of use of Centre Point Tower from office (Class B1) and restaurant/bar (Sui Generis) use to residential use (Class C3) to provide 82 residential units and ancillary residential floorspace (spa, gym, pool and club). Change of use of Centre Point Link from office (Class B1) use and bar use (Class A4) to flexible retail/restaurant/bar (Class A1/A3/A4) use and the erection of a ground floor extension partially infilling under the bridge link. Change of use of Centre Point House at first and second floor level from office (Class B1) use to flexible retail/restaurant/bar (Class A1/A3/A4) use. Alterations and extensions to the existing building at ground floor level to provide flexible retail/restaurant/bar (Class A1/A3/A4) use and associated basement car parking, terraces, landscaping, public realm, a new pedestrian link through Centre Point House, highway works, servicing and access arrangements, and extract ducts. | Refused  | 27/9/12          |

## Centre Point

### Appendix 3 – Planning History Schedule

|          |                    |      |  |           |          |
|----------|--------------------|------|--|-----------|----------|
|          |                    |      |  |           |          |
|          | 2009/3101/P        | Full | Change of use from a print shop (Class A1) to an information centre (Class D1).  | Permitted | 21/08/09 |
|          | 2008/2997/A        | Adv  | Display of externally lit signage on balustrade around landing on staircase at front entrance building.  | Permitted | 15/09/08 |
|          | 2006/5040/P        | Full | Change of use of a level 33 viewing gallery, ancillary to business use (Class B1) to a mixed use as a restaurant (Class A30 and bar (Class A4) and office (Class B1) (sui generis use).  | Permitted | 05/01/07 |
|          | 2005/2045/P        | Full | Change of use from office (B1) to mixed restaurant and bar use (Sui Generis) at 31 <sup>st</sup> and 32 <sup>nd</sup> floor levels, use of part of the basement for associated storage and food preparation area and the installation of plant at roof level.                          | Permitted | 22/02/06 |
| 30/07/85 | PL/8501355/        | Full | Installation of a new shopfront and alterations to the rear elevation (22-24 St Giles High Street)   | Permitted | 09/09/85 |
| 10/10/84 | PL/8401744/        | Full | Erection of a canopy above Andrew Borde Street entrance to gymnasium.  | Permitted | 12/11/84 |
| 14/05/84 | PL/8400867         | Full | Alterations to public subway elevations.   | Permitted | 18/07/84 |
| 23/05/83 | P13/6X/A/36410     | Full | Use of an area at basement level to the east of the pedestrian subway as a gymnasium / sauna and an area at basement and sub-basement level to the west of the subway as a private snooker club.   | Permitted | 04/08/83 |
| 08/10/79 | CTP/P13/6X/429392  | Full | The installation of a flue to the right hand side of the residential block on the Earnshaw Street frontage, together with new air-conditioning plant under the residential block above the podium roof, and alterations to the ground floor frontage of the Earnshaw Street elevation. | Permitted | 26/11/79 |
| 25/07/79 | P13/6X/A/28908     | Full | Erection of two condenser units and screen on link bridge roof, fronting Earnshaw Street.  | Permitted | 19/09/79 |
| 20/12/78 | P13/6X/A/27720     | Full | Change of use of the first floor from showroom to conference use with catering facilities and the construction of a hoist to the first floor on the Earnshaw Street Elevation.   | Permitted | 06/04/79 |
| 22/02/77 | CTP/P13/6X/A/24190 | Full | Change of use of the first floor, east wing, from showroom to use for office training purposes and the display of office machinery for demonstration to students.  | Permitted | 12/04/77 |
| 13/05/74 | P13/6x/A/18834     | Full | Change of use of restaurant / kitchen area permitted on the 31 <sup>st</sup> and 32 <sup>nd</sup> floors of the tower block into offices and the change of use of the office floorspace at mezzanine level in the Earnshaw Street wing into a restaurant with ancillary                | Permitted | 31/12/74 |

## Centre Point

### Appendix 3 – Planning History Schedule

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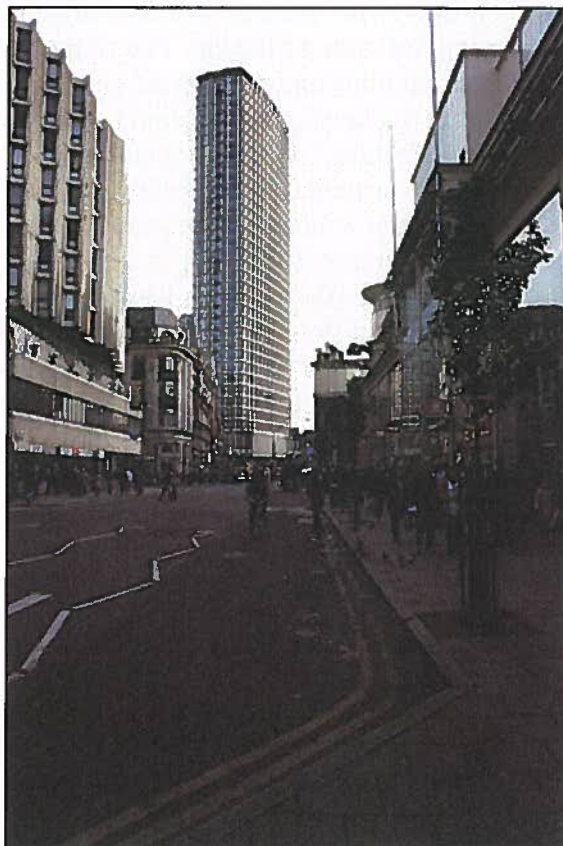
|          |            |      |   |           |          |
|----------|------------|------|---|-----------|----------|
|          |            |      | facilities.   |           |          |
| 12/03/64 | TP.83743/0 | Full | The installation of a shopfront at Nos. 20/21 St Giles Circus in the new building currently under construction on the sites of 93-111 New Oxford Street, 150-178 Charing Cross Road, 14-51 St Giles High Street. 2-14 Earnshaw Street and Lawrence Place Holborn. | Permitted | 17/04/64 |
| 12/08/59 | TP83743/NW | Full | The development of 93-111 New Oxford Street, 14-51 St Giles High Street, 150-178 Charing Cross Road and 1-31 Lawrence Place Holborn, for use as offices, residential, restaurants and shops.  | Permitted | 09/11/59 |

## APPENDIX 4



# Images of England

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|                         |   |
|-------------------------|---|
| IoE Number:             | 477596  |
| Location:               | CENTRE POINT AND POND TO FRONT, 101 AND 103 NEW OXFORD STREET (east side) |
|                         | CAMDEN TOWN, CAMDEN, GREATER LONDON                                       |
| Photographer:           | Miss Patricia Philpott ARPS   |
| Date Photographed:      | 12 November 2005  |
| Date listed:            | 24 November 1995  |
| Date of last amendment: | 24 November 1995  |
| Grade                   | II  |

The Images of England website consists of images of listed buildings based on the statutory list as it was in 2001 and does not incorporate subsequent amendments to the list. For the statutory list and information on the current listed status of individual buildings please go to [The National Heritage List for England](#).

CAMDEN TQ2981SE CHARING CROSS ROAD 798-1/104/1892 Centre Point and Pond to front 24/11/95 GV II See under: Nos.101 AND 103 Centre Point and Pond to front NEW OXFORD STREET. CAMDEN TQ2981SE NEW OXFORD STREET 798-1/104/1892 (East side) 24/11/95 Nos.101 AND 103 Centre Point and Pond to front GV II Includes: Nos.5-24 ST GILES HIGH STREET. Includes: Centre Point and Pond to front CHARING CROSS ROAD. Offices with

shops and residential maisonettes, including pond to front. 1961-66. Richard Seifert and Partners (George Marsh designer). Reinforced concrete, that to the ground floor of the tower clad in ceramic mosaic and polished granite; that to the tower and rear block clad in high quality pre-cast panels. Flat roof. EXTERIOR: 35-storey tower block facing on to Charing Cross Road, with raised glazed link at first floor level to rear block containing shops, offices and flats. Tower of slender form with slightly convex sides. Ground floor glazed entrance hall set back behind expressed piers of angular waisted form. Open-tread staircase leading from the left up to projecting entrance platform. First floor with vertical concrete 'brise soleil' with integral hexagonal terminations to top and bottom, set to left side of facade. The right side of this floor and the remaining storeys have precast external mullions of inverted and faceted 'Y'-shape, which are partially load bearing and diminish in thickness from bottom to top. Above the top storey is an unglazed viewing gallery beneath a "cornice" which projects to the building edge and has a faceted edge which answers that of the structural frame below. Words "CENTRE POINT" in capital letters are set within. Metal framed windows. Sculpted bronze panel relief attached to wall by entrance. Original patterned floor to entrance hall. Light, single storied glazed link to rear block at first floor level with narrower link above (the latter of 1 bay in width) with full-height armour plate glazing. Rear block is glazed to round floor, with 'brise soleil' to first and second floors, forming irregular rectangular pattern in front of windows. Above, 36 cross-over maisonettes on 6 levels with 3 'banks' of projecting balconies and otherwise metal framed curtain wall glazing with opaque glass panels beneath the windows. Bank facing New Oxford Street retains original frontage and internal mosaic decoration by Jupp Dernbach-Mayen. SUBSIDIARY FEATURES: linked to front of building is a pool, its sides clad in blue mosaic and with concrete fountains set within, whose sculptural 'Y'-shaped form reflects that of the tower mullions above. HISTORICAL NOTE: Centre Point was one of the most important speculative office developments of its period in Britain. It is an early example of off-site pre-casting, the panels being hung from the frame without the use of scaffolding. (The Builder: London: 1968-: 99-105; New Society: Banham R: An Added Modern Pleasantness: London: 1966-: 13-14). CAMDEN TQ2981SE ST GILES HIGH STREET 798-1/104/1892 Nos.5-24 (Consecutive) 24/11/95 GV II See under: Nos.101 AND 103 Centre Point and Pond to front NEW OXFORD STREET.

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Please note that the inclusion of a listed building on this website does not mean it is open to the public.