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**For the attention of Gavin Sexton**

22 June 2012

**Our ref: NTH/JCW/J6214**

**Your ref: 2012/2232/P**

Dear Sir

**Central Cross, 18-30 Tottenham Court Road, London  
Application Reference 2012/2232/P**

We refer to planning application 2012/2232/P at Central Cross, 18-30 Tottenham Court Road, and specifically to Gavin Sexton's email of 1 June 2012 and to the subsequent constructive meeting with Gavin Sexton and Charles Rose on 13 June 2012.

We are writing to set out a response to the design and land use issues identified in Mr Sexton's email.

#### **Flexible Class A1 / Class A3 units**

Policy CS7 of the Core Strategy aims to promote successful and vibrant centres by enhancing the role of Camden's retail centres. The policy seeks to restrict changes from shop use to other non-shop uses. The centre-specific guidance that follows Policy CS7 recognises that the level of shop, food and drink uses will be managed to promote and preserve Tottenham Court Road's specialist retail character.

In a similar way, Policy DP12 states that the development of shopping, services, food, drink, entertainment and other town centre uses should not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours.

The Central London Frontages SPG provides additional guidance on non-food uses on Tottenham Court Road. It is clear that there is some scope for "**limited growth**" in non-food uses, as long as they do not cause a harmful over-concentration (paragraph 15.21). However paragraph 15.20 is clear that this growth should not come at the expense of the loss of retail, and the change of use of Class A1 retail to non-retail use should be "**exceptional**."

In response to the Council's expressed concern about the extent of flexible use (Class A1/A3 units) proposed, Derwent London now proposes to only seek permission for a single flexible use unit. A flexible Class A1/A3 use is now only proposed for the corner unit on the north side of Stephen Street. Only Class A1 use is now sought for the other proposed units. The effect of this on the land use proposals is set out in Table 1, overleaf. This supersedes Table 4.2 in the Planning Statement.

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Use	Existing	Proposed	Change
Class A1 (Retail)	3,114.9	4,332.8	+ 1,217.9
Class A1 / A3 (Retail / Restaurant)	0	269.9	+ 269.9
Class D2 (Cinema)	0	76.4	+ 76.4
Other (Office car parking)	961.2	0	- 961.2
TOTAL	4076.2	4679.1	+ 602.9

**Table 1: Existing and Proposed Floorspace, by Use (sqm GEA)**

Please note that the total proposed floor areas have been adjusted slightly to reflect changes in the glazing line / positioning, which have been developed in response to design comments. We will supply details of the proposed changes to the glazing/column arrangements by separate cover.

A Class A1/A3 use in the corner unit on the north side of Stephen Street unit is considered to be appropriate.

This is because, firstly, the unit will not be ideally suited to Class A1 retail because it will be double fronted and thus less attractive to a Class A1 retailer. Retailers generally prefer a single frontage as this does not involve extensive loss of internal space to provide for window displays, so increasing tradeable floorspace, and preventing management/security issues associated with a double fronted unit. There would be a risk that a retailer would seek to obscure the Stephen Street elevation internally, or otherwise design a shopfit that did not relate well to Stephen Street. Extensive active frontage onto two streets and internal circulation space would, alternatively, make this unit well suited to a Class A3 restaurant/café type operation that would create activity, interest and natural surveillance that would enhance the 'tunnel' area at the entrance to Stephen Street.

Secondly, the proposed unit would not lead to a net overall loss in Class A1 retail space. There would be a net overall increase in Class A1 space of 1,217.9sqm, and a net increase in Class A1/A3 space of 269.1sqm. The additional floorspace created would therefore very much be based around providing additional Class A1 retail space, with only a small proportion of the **additional** space (18%) potentially in Class A3 use.

In terms of the guidance provided in the Central London Frontages SPG, creating one Class A3 unit would not lead to a concentration of non-A1 uses in the frontage of 17 units that includes Central Cross (15-17 Tottenham Court Road to 38 Tottenham Court Road). This frontage currently includes only one non-A1 unit, the cinema entrance at the north end of Central Cross. This equates to 6% of the 17 units.

On completion of the development as proposed (with the additional small unit described below), with a single Class A3 unit, the frontage would continue to contain 17 units. Of these, 12% would be in non-A1 use. There has been strong support for the retention of the cinema expressed during the pre-application process and it is considered that the cinema provides a valuable additional amenity to Tottenham Court Road, and diversity to its offer, rather than contributing to a potentially harmful over-concentration of non-A1 uses.

We therefore consider that a single Class A1/A3 unit is acceptable, as there will be no loss, and in fact a substantial increase, in Class A1 floorspace. The proposed unit is better suited to Class A3 use, and an A3 use in this location would add additional visual interest within the Stephen Street tunnel, especially were it to be in use after dark/in the evening when other shops are closed. The proportion of non-A1 uses in the frontage will remain significantly below the maximum suggested in the SPG.

### Nature of Class A1 offer

Mr Sexton's email refers to the Council's intention to "promote and preserve" the specialist retail character of Tottenham Court Road. This part of Tottenham Court Road is characterised by electronic retailers. It has been suggested by the Council that increasing the number of smaller units would assist in promoting the specialist retail character of the area.

There is very clear and unambiguous support for retail growth along Tottenham Court Road. For example Policy CS7 clearly includes the Central London Frontages as a location where retail growth will be promoted (Policy CS7(d)). The centre specific guidance for Tottenham Court Road clearly supports **"the expansion of the Central London Frontage and new retail uses along New Oxford Street, where this would not cause harm to residential amenity."** It also recognises that such growth will be achieved through **"redevelopment and refurbishment of existing premises"** as is the case here.

This has to be reconciled with the desire, also expressed in the centre-specific guidance following Policy CS7, to **"promote and preserve the specialist retail character of Tottenham Court Road and Charing Cross Road by managing the level of shop and food, drink and entertainment uses"** and with the requirement to consider providing some small shops expressed in Policy DP10. Clearly planning policy requires a balance to be struck between these two objectives and proposals for retail growth should be compatible with the specialist retail role of Tottenham Court Road.

In this case the existing retail units are now dated and suffer from a number of defects which affect their ability to trade effectively. In particular the shopfronts are unattractive and frequently partially obscured, and are further obscured from passing traffic by the colonnade. Ceiling heights are also low making the internal space unattractive, whilst the mezzanines in the units have been installed on an adhoc basis over time and do not align laterally between units, reducing the flexibility for amalgamation or subdivision in response to the requirements of potential new tenants.

The proposed development would remedy these defects by providing units with modern shopfronts that are more visible from Tottenham Court Road. Higher ceilings would also be provided, whilst the mezzanine floors would be of a consistent design and allow for flexible partitioning.

The units created would thus be suitable for a range of tenants including electronics retailers and would not in any way prejudice or fail to preserve the potential for electronics retail on this part of Tottenham Court Road.

In addition, Derwent London now propose to provide two additional smaller units, as follows:

- Two small units (Units A and B), of c. 98.4sqm ground floor GEA and 76sqm ground floor GEA, respectively, would be created in the place of Unit A as previously proposed.
- Unit G (formerly Unit F), would be further adjusted to reduce its size, to 61.6sqm GEA at ground floor. The rearmost bay would instead be used as part of Unit F. If Unit F came forward for Class A3 use this area could serve as a kitchen, store or similar back-of-house function.

Eight units would be provided, rather than the seven previously proposed. Consequently there would be no change in the number of units from the current position.

Policy DP10 usually seeks small units of less than 100sqm GEA, but recognises that the character and size of shops in the local centre will be taken into account in considering what constitutes a small unit. Given that proposed Units A and B each have a ground floor area of less than 100sqm, are of comparable total size to the smaller existing units (which are 164sqm and 162sqm in total size), and are restricted in terms of configuration by the grid pattern of the building, we consider that they constitute small units for the purposes of Policy DP10.

The sizes of the existing and proposed units is set out in Table 2, below.

Unit	Existing areas (sq m GEA)			Basement	Proposed (sq m GEA)		
	Ground	Mezzanine	TOTAL		Ground	Mezzanine	TOTAL
Unit A	81.7	83	164.7		98.4	56.7	155.1
Unit B	302.8	306.9	609.7		76	53.5	129.5
Unit C	361.6	285.6	647.2	453	391.9	291	1135.9
Unit D	105	104.8	209.8	253	446.8	342.1	1041.9
Unit E	80.3	82	162.3	187	329	229.2	745.2
Unit F <sup>1</sup>	45.9	45.9	91.8		180.3	89.6	269.9
Unit G	236	220.8	456.8		61.6	38.2	99.8
Unit H	174	129	303		351.6	236	587.6

**Table 2: Existing and Proposed Unit Sizes (sq m GEA)**

<sup>1</sup> Existing Unit F includes current kiosk unit on Stephen Street, which does not have landlord's consent. Proposed Unit F will have flexible Class A1/A3 unit.

Table 3, overleaf, compares the distribution of the existing and proposed units by ground floor size.

	Existing	Proposed
0 sqm – 100sqm	3	3
101 sqm – 200sqm	2	1
201sqm – 400sqm	3	3
401sqm – 600 sqm	0	1
TOTAL	8	8

**Table 3: Distribution of units, by size (sq m GEA)**

Tables 2 and 3 illustrates that:

- there will be no change in the number of units provided;
- there will be no change in the provision of small units with less than 100sqm GEA ground floor space;
- As is currently the case, one of the eight units will have a total area (ground plus mezzanine) of less than 100sqm;
- Three of the eight units (37.5%) would be provided as small units, below 100sqm ground floor area.

It is recognised that the largest units will be considerably larger than the current largest units. This strikes an appropriate balance between promoting retail growth along Tottenham Court Road as required by Policy CS7, and continuing to provide an appropriate mix of small units, that may be particularly suitable for electronics retailers, as encouraged by the centre specific guidance.

It is therefore considered that the proposed provision of small units satisfies policy DP10. Policy DP10 only requires the inclusion of small units in retail schemes in excess of 5,000sqm. In this case, an increase in retail of c1,500sqm is proposed. There is no policy basis to require provision of small units, only a requirement to “**consider**” their inclusion. Provision of 37.5% of the units as small units (the same as that in the existing building) is considered to amply satisfy this policy, given that the proportion to be sought is not defined.

The site is not well suited to providing any additional smaller retail units. This is because the remaining units (Units C, D, E and H) are all at least three bays deep (extending to five bays in Units C and D). Subdividing the units further, for example to create units of one bay in width, would still result in relatively large units, whilst the units created would be long, narrow and unattractive to retailers. In addition, the unit split proposed also provides varying ground floor levels to deal with the c. 800mm fall in the site from north to south.

We therefore consider that the proposed development is a positive and pragmatic response to the twin goals of planning policy to promote retail development in this location whilst protecting and promoting the area’s special retail character. It will provide a similar mix of retail units to that currently on the site that will have the potential to support a range of retail occupiers including electronics retailers and independent retailers that specifically require smaller units.

## Public Realm

At the meeting with Mr Sexton on 13<sup>th</sup> June, we referred to the proposal to improve the public realm on the extensive Tottenham Court Road frontage which has, up to now, been noted as highway improvements.

We have had regard to the refusal of permission to extend the retail units at this site dated 29<sup>th</sup> April 2009 (2009/0258). The second ground of refusal referred to an absence of a contribution towards open space.

The most relevant policy is now DP31 with the detail being spelt out in CPG6. In paragraph 11.3, it is noted that developments of 500sqm or more of any floorspace that are likely to increase the resident, worker or visitor populations of the borough are expected to contribute towards open space. It is by no means clear that increasing the size of existing shop units fall within this category.

However, if it does then there is a requirement to provide 0.74sqm of public open space per employee for commercial developments. Paragraphs 11.26 to 11.32 deal with on site or off site provision of the open space. Clearly, neither can be achieved in the case of this application. There is no location available. If more information is required on this aspect then please let us know.

Paragraphs 11.33 onward deal with the computation of provision of a financial contribution in lieu. We have carried out a compilation of the numbers involved basing our calculation on the increase in retail provision of 1,564.2 sqm (taking no credit for the fact that some of this is change in use from B1 car park to retail). This "worst case" scenario produces an extra employees and we calculate (rounding up for simplicity) that the contribution for capital, maintenance and design for a contribution in lieu, leads to a payment of £4,233.32.

We therefore suggest that a payment of this sum be allocated as money in lieu in order to close off one of the reasons for refusal which was attached to the previous refusal.

Associated with this issue and as noted at paragraph 7.41 of the Planning Statement a key element of the proposed development is the delivery of significant improvements to the streetscape outside Central Cross. It is intended that this will realise the potential of this space to contribute to the public realm in the area, and to improve the retail offer of Tottenham Court Road.

Derwent London therefore proposes that the s106 require it to fund the delivery of streetscape improvement works, the cost of which should not exceed £450,000. This is based on an estimate for delivering the indicative public realm scheme illustrated in the Design and Access Statement, and is a public realm, rather than highway, contribution.

The scope of the proposed streetscape improvements works would include the following elements:

- i. provision of a raised table across Stephen Street to facilitate pedestrian movement, extending from the curb line on Tottenham Court Road to the line of the third set of columns in the underpass;
- ii. Provision of additional cycle parking spaces, and reprovision of existing spaces depending on wider streetscape design.

Additionally, any works could include some, or all, of the following elements:

- i. Rationalisation of existing street furniture, signage and other clutter;
- ii. Repaving using high quality and durable materials;
- iii. New street furniture;
- iv. New lighting around plane trees.

For the avoidance of doubt the scope of the streetscape works is illustrated on plan 1917-PL-111 enclosed with this letter. The streetscape works would extend from the new building line/shopfronts to the curb line on Tottenham Court Road, and would include:

- i. Highway land in the Council's ownership (coloured green on plan 1917-PL-111);
- ii. Highway land in Derwent London's ownership (coloured red); and
- iii. Derwent London's land that is not highway land (coloured blue).

We anticipate that all the works would be delivered by the Council/its appointed contractor.

This would be subject to agreeing a mechanism, such as partial or phased delivery, that would ensure that some or all of the public realm improvements could come forward in advance of the Tottenham Court Road two way working scheme, without prejudicing its subsequent delivery.

### **Transport and highways**

As discussed with Mr Sexton at the 13 June meeting we will provide a separate technical note responding to the detailed highways issues that have been raised.

We intend to submit formal plans showing the revised unit split shortly, on completion of discussions on the design matters in Mr Sexton's email. These drawings will then illustrate any changes or clarifications required as a result of those discussions in addition to the proposed unit split.

We trust that this will adequately address the land use queries raised in Mr Sexton's email, but if it would be helpful to discuss this further please do contact James Wickham or Neil Henderson of this office.

Yours faithfully



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