



*Real value in a changing world*

# Planning **Statement**

106 New Oxford Street (Prospect House)

Hermes Real Estate Investment Management Ltd

October 2011

# Contents

Executive Summary ..... 2

1 Introduction ..... 3

2 The Site, its Surroundings and Planning History ..... 5

3 The Proposals ..... 9

4 Relevant Planning Policy ..... 10

5 Planning Analysis ..... 16

6 Conclusions ..... 19

References ..... 20

## Executive Summary

This Planning Statement has been prepared on behalf of Hermes Real Estate Investment Management Ltd ('Hermes') who represent Britel Fund Trustees Ltd.

The proposal is for:

*"Change of use of 106 New Oxford Street (Prospect House) to dual use Class A1 (shops) and Class A2 (financial and professional services)."*

The dual use application is submitted under Class E Part 3 of the General (Permitted Development) Order 2010. This enables unlimited swaps between the permitted uses for a period of ten years, after which the use in operation at that time becomes the fixed, sole and lawful use.

Planning policy and previous planning permissions in the surrounding area indicate that both Class A1 and A2 uses are usually acceptable within the Central London Zone (CAZ) and Camden's Central London Area. Class A1 is already in use at No. 106 and Class A2 would continue to provide a service to visiting members of the public whilst retaining an active frontage on New Oxford Street. Policy does not preclude the loss of Class A1 in this location.

We are therefore of the view that planning permission should be granted as planning decisions should be made in accordance with the development plan unless material circumstances indicate otherwise.

# 1 Introduction

- 1.1 This Planning Statement has been prepared by the Jones Lang LaSalle Planning Group on behalf of Hermes Real Estate Investment Management Ltd ('Hermes') who represent Britel Fund Trustees Ltd.
- 1.2 The proposal is for:
- "Change of use of 106 New Oxford Street (Prospect House) to dual use Class A1 (shops) and Class A2 (financial and professional services)."*
- 1.3 The dual use application is submitted under Class E Part 3 of the General (Permitted Development) Order 2010. This enables unlimited swaps between the permitted uses for a period of ten years, after which the use in operation at that time becomes the fixed, sole and lawful use.
- 1.4 It is our view that the proposal accords with the relevant development plan and that as such permission should be granted. This is because Section 36(8) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the development plan unless material circumstances indicate otherwise.
- 1.5 The details contained within this document should be considered alongside all of the other documents comprising the planning application package (see below for details of the format of submission).
- 1.6 This Statement is structured as follows:
- Section 2 describes the site, its surroundings and the planning history;
  - Section 3 explains the proposal;
  - Section 4 summarises relevant planning policy;
  - Section 5 sets out the planning analysis; and
  - Section 6 provides the conclusions.

## Application Background

- 1.7 Hermes acts on behalf of Britel Fund Trustees Limited, which owns the freehold for Prospect House.
- 1.8 Unit 106 is a self-contained, independent unit within Prospect House. It is currently in Class A1 use but the existing lease is soon due to expire. This has prompted Hermes to consider its letting prospects as part of its wider review of how to best utilise Prospect House. There are potential changes in market demand given that the surrounding area is undergoing significant alteration, largely as a result of infrastructure improvements at Tottenham Court Road station and major development coming forward such as St Giles Court.
- 1.9 Hermes is therefore keen to ensure that the unit is sufficiently flexible so as to accommodate market demand as the area's character continues to evolve. It is for these reasons that a planning application for dual use Class A1 and Class A2 is being submitted.

## Description of Development

- 1.10 Planning permission is sought for:
- "Change of use of 106 New Oxford Street (Prospect House) to dual use Class A1 (shops) and Class A2 (financial and professional services)."*

### **Format of Submission**

1.11 The planning application comprises:

- Planning fee of £335;
- Planning application form and ownership certificates;
- Site Location Plan Drawing No. GA-00-00;
- Floorplans (Drawing No. Basement 24424-002F-01 and Ground Floor 24424-002F-01); and
- Planning Statement.

## 2 The Site, its Surroundings and Planning History

### **The Site**

- 2.1 The site is 106 New Oxford Street and comprises 779 sq m (GIA) with a 31.8m frontage. It is located on the north side of this road, east of the junction with Tottenham Court Road.
- 2.2 The unit forms part of Prospect House, a 7-storey building (plus two basements) which occupies 80 – 110 (even) New Oxford Street. The upper floors of Prospect House are in office use while the ground floor is a retail frontage comprising shops and restaurant/bar units. The property falls within the Bloomsbury Conservation Area but is not listed.
- 2.3 The unit is self-contained and includes both ground floor and basement accommodation. Servicing is from the rear, via Bainbridge Street.
- 2.4 The site is very well located in terms of access to public transport and has a PTAL of 6b. Tottenham Court Road, Holborn and Goodge Street underground stations are situated close by (140m, 541m and 673m respectively) and the unit is well-served by buses.
- 2.5 A Site Location Plan accompanies the planning application (Drawing No. GA-00-00).

### **The Surroundings**

- 2.6 The surrounding area comprises a dense mix of uses including retail, residential and offices.
- 2.7 Commercial uses predominate along both sides of New Oxford Street, typically with a range of retail uses (Classes A1, A2 and A3) at ground floor and offices above.
- 2.8 West of the site lies Oxford Street, one of the UK's largest shopping centres, as well as Tottenham Court Road, which is recognised as one of the UK's leading electronic retail centres. To the east lies Holborn, a predominantly commercial area, albeit with a small residential community. Bloomsbury lies to the north, and to the south is St Giles Court, a mixed use development including residential use.

### **Planning History**

- 2.9 We have undertaken a desk-based search of the London Borough of Camden's statutory planning register.

### **The Application Site**

- 2.10 Planning applications relating to the application site and Prospect House as a whole are summarised in the table below.

LPA Reference & Applicant	Proposal	Status
PSX0204662/R3 Britel Fund Trustees Ltd	Change of use of ground floor offices (Class B1) to retail (Class A1) and associated shopfront alterations including the installation of folding gates to recessed entrances.  This application relates to the unit which lies east of No. 106.	Conditional approval granted 15 <sup>th</sup> April 2003
PSX0205225 HCA International Ltd	The installation of two grills to the rear elevation at second floor level.	Conditional approval granted 11 <sup>th</sup> December 2002
PS9804797 Corston Holdings Ltd	Removal of three windows and replacement with two louvres to serve standby generator on rear façade at ground floor.	Conditional approval granted 1 <sup>st</sup> October 1998
PS9804726 Corston Holdings Ltd	Replacement of existing marble cladding to columns on ground floor with stone cladding.	Conditional approval granted 1 <sup>st</sup> October 1998
PS9804154RI Bass Tavern Ltd	Installation of new stained hardwood shopfront, ornamental planter with functional lanterns, the blocking up of an existing doorway, the formation of a new service entrance and other alterations to the rear elevation in Bainbridge Street.	Conditional approval granted 8 <sup>th</sup> May 1998
PL/9401778/RI Zamora Ltd	Approval of details and reserved matters relating to LPA Ref: PL/9201250/RI relating to elevations, facing materials, dormers and the central roof feature.	Approved 20 <sup>th</sup> January 1995
PL/9201250/RI Zamora Ltd	Full and Conservation Area consent for the demolition of the 4 <sup>th</sup> , 5 <sup>th</sup> and 6 <sup>th</sup> floors and the remainder of the building behind the rest of the front façade and the erection of a 7-storey and basement building for office and retail use.	Conditional approval granted 7 <sup>th</sup> June 1993
PL/8703745 Randsworth Trust PLC	Rebuilding Prospect House for office and retail use with alterations to the retained front elevation.	Conditional approval granted 19 <sup>th</sup> April 1988
P13/12/A/24355 Department of the Environment Property Sources Agency	Replacement of glass doors on the front elevation by timber doors.	Granted 27 <sup>th</sup> April 1977

## The Surrounding Area

### *Tottenham Court Road Station, including Crossrail*

- 2.11 TfL's redevelopment of Tottenham Court Road Station will provide new and bigger ticket halls, additional access to the Northern line and an interchange with Crossrail. Planning permission was granted during 2009 (LPA Refs: 2009/5057/P, 2009/4445/P, 2009/4442/P).
- 2.12 The underground station upgrade is expected to complete in 2016 with Crossrail services scheduled to start operating in 2018.

### *St Giles' Circus*

- 2.13 On 4<sup>th</sup> October 2006 planning permission was granted for the redevelopment St Giles' Court on the High Street for mixed use development comprising 52,970 sq m of offices (Class B1), 1,442 sq m of retail (Class A1), 1,854 sq m of food and drink (Class A3), community use (Class D1) and 109 residential units (Class C3), as well as a new public courtyard and new pedestrian routes across the site (LPA Ref: 2005/0259/P).
- 2.14 In their report the Case Officer notes that the area around Tottenham Court Road Station and St Giles High Street is likely to experience considerable change over the next ten years, highlighting the planned enlargement of Tottenham Court Road station, the implementation of Crossrail, proposals for the Denmark Place site and the change of use of the Old Post Office.
- 2.15 The permission was subsequently amended on 14<sup>th</sup> December 2009 to vary the housing mix (LPA Ref: 2009/4729/P).
- 2.16 The permissions have been implemented and the development is now complete.

### *Centre Point, 101 – 103 New Oxford Street*

- 2.17 Since 2005/2006 Centre Point at 101 – 103 New Oxford Street has undergone considerable refurbishment. This has included internal alterations, such as new office layouts and improved glazing, heating, lighting and ventilation systems, as well as external alterations such as upgrades to lighting and replacement plant.
- 2.18 It has also included changes of use from office (Class B1) to mixed restaurant and bar use at the 31<sup>st</sup> and 32<sup>nd</sup> floor levels, as well as the change of use of a level 33 viewing gallery to a mixed use as a restaurant (Class A3) and bar (Class A4) and offices (Class B1).
- 2.19 (LPA Refs: 2006/0867/P, 2006/0241/L, 2005/2048/L, 2005/2045/P, 2006/0868/L, 2006/0870/A, 2006/3089/L, 2006/3147/L, 2006/3753/L, 2006/50401/P, 2007/0640/L, 2007/0762/L, 2007/1154/L, 007/2025/L, 2007/1903/P, 2007/2331/P, 2007/12333/L, 2007/3311/L, 2007/3961/L, 2007/4298/L, 2007/4421/L, 2007/4474/L, 2008/0478/L, 2008/0590/L, 008/0591/L, 2008/0938/P, 2008/0941/A, 2008/1307/P, 2008/2022/L, 2008/2191/L, 2008/2997/L, 2008/3557/L, 2008/3729/L, 2008/5167/L, 2009/0549/P, 2009/0550/L, 2009, 1313/L, 2009/3287/L and 2010/1726/L)

### *The Old Post Office, 21 – 23 New Oxford Street*

- 2.20 On 8<sup>th</sup> April 1999 planning permission was granted, subject to a Section 106 Agreement, for a change of use at 21 – 23 New Oxford Street for conversion from a post office sorting depot and offices to a mixed use development comprising a museum study centre (Class S1), retail (Classes A1, A2 and A3), offices (Class B1), fitness club (Class D2) and hotel accommodation (Class C1) (LPA Ref: PS9704327R3).

## Dual Use Applications in the Borough

### *Albion House, 55 New Oxford Street*

- 2.21 Albion House is located southeast of the application site, across New Oxford Street. The property is not located in an area designated for shopping.



- 2.22 On 18<sup>th</sup> May 2006 planning permission was granted for a change of use of part of the ground floor from office (Class B1) to dual use as either office use (Class B1) or financial/professional services use (Class A2) (LPA Ref: 2006/1460/P).
- 2.23 The Case Officer concluded that the proposal complied with relevant planning policy and recommended it for approval. Although the application was determined against policies which have now been superseded, it should be noted that the Case Officer concluded that no explicit policies apply to A2 use in this location and that, while retail uses are generally directed to designated areas, the scatter of retail uses across the Central London Area should also be acknowledged.

## 3 The Proposals

- 3.1 The proposals relate to 106 New Oxford Street, a unit within Prospect House which runs from 80 – 110 (even) New Oxford Street for dual use as Class A1 (shops) and Class A2 (financial and professional services).
- 3.2 The dual use application is submitted under Class E Part 3 of the General (Permitted Development) Order 2010. This enables unlimited swaps between the permitted uses for a period of ten years, after which the use in operation at that time becomes the fixed, sole and lawful use.
- 3.3 Unit 106 is currently in Class A1 use but the existing lease is soon due to expire. This has prompted Hermes to consider the unit's letting prospects as part of its wider review of how to best utilise Prospect House to meet market demand, given that the surrounding area is undergoing significant change.
- 3.4 Hermes is keen to ensure that the unit is sufficiently flexible to accommodate market interests as the area's character continues to evolve. It is for these reasons that a planning application for dual use Class A1 and Class A2 is being submitted.

### **Design, including Layout**

- 3.5 The proposal does not involve any physical alterations to the unit, the building's layout or its external appearance. Any shopfront alterations would be subject to a separate planning application.

### **Servicing**

- 3.6 Servicing will continue as per the existing arrangement. This is from the rear of the unit via Bainbridge Street.

### **Access**

- 3.7 The main access to the unit will continue to be from the two pedestrian entrances/exits fronting New Oxford Street.

## 4 Relevant Planning Policy

- 4.1 This section provides an overview of national, regional, and local planning policies relating to the planning application, as well as other material considerations.
- 4.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.3 Section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that where there is a difference in policy, the most recently adopted policy takes precedence.
- 4.4 The statutory development plan which covers the application site comprises The London Plan (July 2011), 'saved' policies from the Camden Unitary Development Plan (UDP, 2006), the Camden Core Strategy 2010- 2025 (November 2010) and accompanying Proposals Map (2010) and the Camden Development Policies 2010- 2025 Development Plan Document (DPD).
- 4.5 Regard should also be had to the Government's emerging National Planning Policy Framework (July 2011).
- 4.6 A summary of relevant planning policy is provided at the end of this section.

### **National Guidance**

#### **PPS4: Planning for Sustainable Economic Growth (December 2009)**

- 4.7 PPS4 (December 2009) sets out national guidance on economic development. Amongst other things it requires Local Planning Authorities (LPAs) to adopt a positive and constructive approach towards planning applications for economic development, stating that planning applications that secure sustainable economic growth should be treated favourably (Policy EC10).
- 4.8 Policy EC10 further stipulates that all planning applications for economic development should be assessed against the following impact considerations:
  - Limiting carbon dioxide emissions over the lifetime of the development;
  - The accessibility of the proposal by a choice of means of transport;
  - Whether the proposal secures a high quality and inclusive design;
  - The impact on economic and physical regeneration in the area.

#### **PPS5: Planning for the Historic Environment (March 2010)**

- 4.9 PPS5 (March 2010) sets out national guidance on the conservation of the historic environment.
- 4.10 Policy HE6 requires applicants to provide a description of the significance of the heritage assets affected and the contribution of their setting to that significance. The level of detail should be proportionate to the importance of the heritage asset and no more than is sufficient to understand the potential impact of the proposal on the significance of the heritage asset.
- 4.11 Policy HE9 stipulates that there should be a presumption in favour of the conservation of designated heritage assets. The more significant the designated heritage asset, the greater the presumption in favour of its conservation should be.

### **Draft National Planning Policy Framework (July 2011)**

- 4.12 The draft National Planning Policy Framework (July 2011) sets out the Government's commitment to securing sustainable economic growth, highlighting the role of the planning system in ensuring that sufficient land of the right type, and in the right place, is available to allow growth and innovation. Fostering the delivery of sustainable development is considered development control's primary objective, and development should not be hindered or prevented.
- 4.13 Local Planning Authorities (LPA) are required to approve all individual proposals wherever possible and the Framework states that "decision-takers at every level should assume that the default answer to development proposals is 'yes'" (paragraph 19).
- 4.14 Paragraph 180 requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance. The Framework further adds that when considering the impact of a proposed development on a designated heritage asset, the weight given to its conservation should depend on the asset's importance.

### **Regional Planning Policy**

#### **The London Plan (July 2011)**

- 4.15 On the Key Diagram that accompanies The London Plan, Prospect House falls within the Central Activities Zone (CAZ), specifically the area identified for mixed uses with strong academic character. As indicated on Map 2.3, it also sits within the West End Special Retail Policy Area and on the very edge of the Tottenham Court Road Opportunity Area.

#### *Central Activities Zone (CAZ)*

- 4.16 Policy 2.10 seeks to enhance and promote the CAZ as one of the world's most attractive and competitive business locations. The Mayor seeks to bring forward development capacity and supporting infrastructure and services to sustain and enhance the CAZ's strategic functions, as well as support and improve its retail offer.
- 4.17 Under Policy 2.11 the Mayor seeks to identify, enhance and expand retail capacity within the CAZ to meet strategic and local need.

#### *Tottenham Court Road Opportunity Area*

- 4.18 As set out in Policy 2.13 the Mayor recognises that Crossrail has significant implications for development opportunities within Tottenham Court Road Opportunity Area. It is identified for 5,000 new jobs and a minimum of 420 new homes. Emphasis is also placed on its strategic retail role in relation to both the West End Special Retail Policy Area and local needs.

#### *Retail*

- 4.19 Policy 4.7 sets out the Mayor's approach to retail development stipulating that the following principles should be applied in taking decisions on proposed retail development:
- The scale, which relates to the size, role and function of a town centre and its catchment;
  - If no in-centre sites are available, retail development should be focused on sites on the edges of centres that are, or can be, well integrated with the existing centre and public transport;
  - Proposals for new development will be subject to an assessment of impact.
- 4.20 Policy 4.8 highlights the Mayor's support for a successful, competitive and diverse retail sector which promotes sustainable access to the goods and services that Londoners need. It encourages support for convenience retail

and for maintaining shopping and facilities which provide local goods and services that provide essential convenience.

#### *Heritage*

- 4.21 Policy 7.8 requires development affecting heritage assets and their settings to conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

#### **Local Planning Policy**

- 4.22 On the Proposals Map (2010) Prospect House falls within the Central London Area and the Bloomsbury Conservation Area but is not otherwise allocated for development. It sits on the edge of the Tottenham Court Road Growth Area and lies directly adjacent to, but not within, an identified Central London Frontage.
- 4.23 On the Key Diagram included within the Core Strategy the site also falls within a Highly Accessible Area, in which significant development is considered appropriate.

#### **Camden Unitary Development Plan (UDP, 2006)**

- 4.24 Only the Unitary Development Plan (UDP) policies relating to land use proposal sites are 'saved' until such time as they are replaced by the emerging Site Allocations Development Plan Document (DPD). These policies do not relate to Prospect House and are therefore not reviewed for the purpose of this planning application.

#### **The Camden Core Strategy 2010- 2025 (November 2010)**

##### *Central London*

- 4.25 Policies CS1 and CS3 promote appropriate development, including retail, in Highly Accessible Areas, particularly Central London.
- 4.26 Policy CS9 supports and promotes the Central London Area of Camden as a successful and vibrant part of the capital to live in, work in and visit. This includes supporting Central London as a focus for Camden's future growth in a mix of uses, including retail, ensuring that such development contributes to London's economic, social and cultural role while meeting the needs of local residents and respecting their quality of life.

##### *Tottenham Court Road Growth Area*

- 4.27 Under Policy CS2 the Tottenham Court Road Growth Area is recognised for being well served by public transport and for its mix of office, housing and retail uses. The Council anticipates the area being the focus of significant growth, in line with London Plan targets and following transport improvements such as the Tottenham Court Road Underground Station upgrade and new Crossrail service.

##### *Growth and Development*

- 4.28 Policy CS5 stipulates that the Council will provide uses that contribute to the Borough's London-wide role, as well as providing the infrastructure and facilities needed to support Camden's population and those who work in and visit the Borough. Camden will also seek to ensure development contributes towards strong and successful communities by balancing development needs with the characteristics of local areas and communities.

##### *Retail*

- 4.29 Policy CS7 relates primarily to new retail development and identifies where retail growth across the borough will be promoted. It stipulates that a sequential approach will be adopted for retail and other town centre uses outside identified areas. The policy does not preclude the loss of Class A1 use at 106 New Oxford Street.

## **Camden Development Policies 2010- 2025 Development Plan Document (November 2010)**

### *Retail*

- 4.30 Policy DP12 builds on Core Strategy Policy CS7. In considering retail development the Council will consider, inter alia:
- The effect of non-retail development on shopping provision and the character of the centre in which it is located;
  - The impact of the development on nearby residential uses and amenity, and any prejudice to future residential development;
  - Parking, stopping and servicing and the effect of the development on ease of movement on the footpath;
  - Noise and vibration generated either inside or outside of the site;
  - The potential for crime and anti-social behaviour, including littering.

### *Conservation Areas*

- 4.31 Policy DP25 relates to Conservation Areas and stipulates that the Council will:
- Take account of Conservation Area statements, appraisals and management plans when assessing applications within Conservation Areas;
  - Only permit development within Conservation Areas that preserves and enhances the character and appearance of the area;
  - 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;
  - Not permit development outside of a Conservation Area that causes harm to the character and appearance of that Conservation Area; and
  - Preserve trees and garden spaces which contribute to the character of a Conservation Area and which provide a setting for Camden's architectural heritage.

## **Bloomsbury Conservation Area Draft Appraisal and Management Strategy (November 2010)**

- 4.32 The Bloomsbury Conservation Area Draft Appraisal and Management Strategy (November 2010) identifies the key management issues for the Bloomsbury Conservation Area based on the recent appraisal of its character and appearance. It is a material consideration in determining relevant planning applications.
- 4.33 Prospect House falls within the New Oxford Street/High Holborn/Southampton Row Sub-area of the Bloomsbury Conservation Area and is classified as a 'positive building'. As such it is considered to make a positive and valuable contribution to the character and appearance of the Conservation Area as an important local building in its own right.

## **Revised Planning Guidance for Central London: Food, Drink and Entertainment, Specialist and Retail Uses (2007)**

- 4.34 This document expands upon policies set out in the now largely superseded UDP. However Camden's draft Planning Guidance, CPG5 Town Centres, Retail and Employment (May 2011), refers applicants for sites in Central London to the Revised Planning Guidance (2007). However this document has not been updated to provide guidance on the application of Local Development Framework policies within the Central London Area.

## Area-Based Guidance

4.35 Camden has published several documents setting out area-based guidance for sites located close to 106 New Oxford Street. These include:

- *Planning Framework for the Tottenham Court Road Underground Station and St Giles High Street Area (2004)*

Tottenham Court Road Underground Station is located southwest of the site, across New Oxford Street, and St Giles High Street is to its south, beyond New Oxford Street.

This aims to bring together the many significant changes planned for the area, including both transport infrastructure improvements and major development. It recognises that delivering the right mix of uses has the potential to improve the area's character, quality and attractiveness. These uses include residential, retail and additional office floorspace.

- *Planning Brief for Denmark Place (2004)*

Denmark Place is located southwest of the site beyond Centre Point and High Holborn.

This sets out Camden's aspiration to deliver sustainable, mixed use development at Denmark Place, including residential and new cultural, retail and tourism uses, as well as commercial development.

- *Planning Brief for 21 – 31 New Oxford Street (Former Post Office site) (2004)*

The former Post Office site is located east of the site, towards Holborn.

This was prepared to ensure a comprehensive approach to the site's redevelopment or refurbishment for sustainable, mixed-use development including non-institutional community uses, a significant quantity of new residential accommodation and office floorspace.

- *Planning Brief for St Giles Court (2004)*

St Giles Court is located south of the site, across New Oxford Street and beyond Bucknall Street.

This seeks comprehensive development of St Giles Court for sustainable, mixed use development which continues to accommodate business and commercial developments and also includes a significant quantum of residential units as well as new cultural, retail and tourism uses.

## Summary of Relevant Planning Policy

4.36 Relevant planning policy relating to the application site is summarised thus:

- National policy encourages economic development, presuming in favour of planning applications that secure sustainable economic growth;
- The application site falls within the CAZ and Camden's Central London Area, where retail is promoted and supported;
- The application site falls within the West End Special Retail Policy Area, which is recognised for its retail significance;
- The application site sits on the very edge of the Tottenham Court Road Opportunity Area and Camden's Tottenham Court Road Growth Area. The Area is identified for significant development, comprising 5,000 new jobs and 420 new homes (minimum). This reflects anticipated development opportunities coming forward as a result of transport improvements including the Tottenham Court Road Underground Station upgrade and new Crossrail service. Camden has therefore published area-based guidance to guide development on several sites in close proximity to 106 New Oxford Street;

- The application site sits adjacent, but not within, identified Central London Frontage and does not fall within an area designated for shopping. Camden applies a sequential approach to retail and other town centre uses outside identified areas (Core Strategy Policy CS7). Policy does not preclude the loss of Class A1 use at 106 New Oxford Street; and
- Area-based guidance has sought to guide development on several sites in close proximity to No. 106 New Oxford Street. This reflects the considerable development opportunities coming forward in the surrounding area and includes guidance for Tottenham Court Road Underground Station and St Giles High Street Area, Denmark Place, 21 – 31 New Oxford Street (the former Post Office site) and St Giles Court.



## 5 Planning Analysis

- 5.1 This section considers the key issues relating to the proposed dual use in the context of relevant national, regional and local planning policy, as well as material considerations.
- 5.2 The following issues are key to the application and considered in turn below:
- 1) The acceptability of Class A1 and Class A2 uses;
  - 2) The loss of Class A1 use if replaced by Class A2 use;
  - 3) The impact of the proposal on nearby residential uses and amenity;
  - 4) Parking and servicing; and
  - 5) Design, including the impact on the Bloomsbury Conservation Area;

### **(1) The Acceptability of Class A1 and Class A2 Uses**

#### **Class A1 (Shopping)**

- 5.3 Class A1 is already in use at 106 New Oxford Street. The proposed dual use application seeks to continue this use but as a dual use with Class A2 (financial and professional).
- 5.4 The site sits inside the CAZ and Camden's Central London Area, within which retail which meets strategic and local needs is supported and encouraged (London Plan Policies 2.10 and 2.11, Core Strategy Policy CS9).
- 5.5 Camden has previously supported Class A1 at Prospect House having granted planning permission for retail (Class A1) as part of the redevelopment permitted on 7<sup>th</sup> June 1993 and most recently on 15<sup>th</sup> April 2003 (LPA Refs: PL9201250/R1 and PSX0204662/R3 respectively). No. 106 forms part of an established retail frontage and active retail uses (Classes A1, A2 and A3) predominate at ground floor along New Oxford Street. Continued Class A1 use will therefore continue to support and enhance the area's retail offer, in accordance with relevant plan policy (London Plan Policies 2.10 and 2.11, Core Strategy Policies CS1, CS3 and CS9).
- 5.6 Given the above, we are of the view that the continued use of 106 New Oxford Street for Class A1 use accords with the relevant development plan.

#### **Class A2 (Financial and Professional)**

- 5.7 The current lease for No. 106 will soon expire prompting Hermes to consider the unit's letting prospects as part of a wider review of how to best utilise Prospect House. There are potentially significant changes in market demand given that the surrounding area is undergoing substantial transformation. This reflects regional and local policy objectives, major infrastructure improvements at Tottenham Court Road station and significant development opportunities coming forward such as at St Giles Court.
- 5.8 Local residential and working populations are thus increasing. Class A2 use at this location will therefore serve an important function in supporting the needs of local residents, businesses and the community. This is in line with adopted and emerging national guidance which encourages sustainable economic development and will enhance the locality's vibrancy and vitality.
- 5.9 While No. 106 does not sit within an area designated specifically for retail, it falls within both the CAZ and Central London Area where policy supports retail uses (London Plan Policies 2.10 and 2.11, Core Strategy Policies CS1, CS3 and CS9). The unit is also already in retail use, which Class A2 use would broadly continue, and Camden

has previously acknowledged the scatter of retail uses across the Central London Area when determining, and permitting, dual use as either offices (Class B1) or financial/professional services (Class A2) at Albion House, 55 New Oxford Street.

- 5.10 Given the above we are of the view that Class A2 use in this location accords with the relevant development plan.

#### **Dual use**

- 5.11 The imminent expiration of the existing lease at Unit 106 is timely, given the significant transformation currently underway in the wider area.
- 5.12 The site is very centrally located and given adopted policy objectives it is likely that the unit will become increasingly important in meeting the needs of local residents, businesses and the community as residential and working populations continue to grow. The Tottenham Court Road Opportunity Area/Growth Area has been identified for 5,000 new jobs and a minimum of 420 new homes (London Plan Policy 2.13, Core Strategy Policy CS2). The upgrade to Tottenham Court Road station is expected to complete in 2016, with Crossrail services running from 2018. Camden also has a number of planning documents in place seeking the mixed use redevelopment of several sites in the immediate area and planning officers anticipate other sites coming forward for redevelopment over the coming decade. Permitting Classes A1 and A2 at No. 106 will increase its letting flexibility, enabling the company to be proactive in meeting market demand within the surrounding area.
- 5.13 Such an approach is encouraged by both adopted and emerging national guidance, which requires LPAs to adopt a positive and constructive approach to economic development, placing great emphasis on the need to secure sustainable economic growth (PPS4, draft National Planning Policy Framework).
- 5.14 Given the above, the principle of dual use Class A1 and Class A2 use accords with adopted and emerging planning policy.

#### **(2) The loss of Class A1 Use if replaced by Class A2 Use**

- 5.15 Dual use applications submitted under Class E Part 3 of the General (Permitted Development) Order 2010 enable unlimited swaps between the permitted uses for a period of ten years, after which the use in operation at that time becomes the fixed, sole and lawful use.
- 5.16 As explained above, Hermes is keen to ensure the lettability of No. 106 as the wider area undergoes significant transformation. The flexibility afforded by the proposed dual use is key to this.
- 5.17 While Class A1 is already in use at No. 106, policy does not preclude its loss in this location (Core Strategy Policy CS7). Furthermore Class A2 use will continue to provide a service to visiting members of the public and retain the existing active frontage.
- 5.18 Given the above, the loss of Class A1 use if replaced by Class A2 use accords with the relevant development plan.

#### **(3) The Impact of the Proposal on Nearby Residential Uses and Amenity**

- 5.19 The unit is already an established Class A1 use and we are not aware of it having detrimentally impacted nearby residential uses and/or amenity.
- 5.20 This is a self-contained, ground floor unit, which Hermes is keen to retain in active use. Its use for retail (Class A1) or financial and professional services (Class A2) is anticipated to meet the needs of the growing residential and working populations.

- 5.21 The proposed dual use therefore accords with the relevant development plan, including Development Policy DP12.

**(4) Parking and Servicing**

- 5.22 No parking is provided for the unit and none is proposed as part of this planning application.
- 5.23 It should be noted that the site is extremely well located in terms of access to public transport, with a PTAL of 6b.
- 5.24 Servicing will continue to be from the rear of the unit, via Bainbridge Road.
- 5.25 The proposal therefore accords with the development plan, including Development Policy DP12.

**(5) Design, including Impact on the Bloomsbury Conservation Area**

- 5.26 This application has no design implications as the proposal does not involve any physical alterations to the unit, the building's layout or its external appearance. It is therefore not considered to impact the Bloomsbury Conservation Area.
- 5.27 Neither No. 106 nor Prospect House are listed.
- 5.28 Any proposed shopfront alterations would be subject to a separate planning application.

## 6 Conclusions

- 6.1 The proposed dual use seeks to continue Class A1 use at 106 New Oxford Street but as a dual use with Class A2. So doing will enable Hermes to take a proactive approach to meeting market demand as the wider area undergoes significant change in line with policy objectives, major infrastructure improvements and development opportunities coming forward.
- 6.2 It is our view that the application accords with relevant national, regional and local planning policies and we consider it appropriate to grant planning permission.

# References

## National

- Draft National Planning Policy Framework (July 2011)
- PPS4: Planning for Sustainable Economic Growth (December 2009)
- PPS5: Planning for the Historic Environment (March 2010)

## Regional

- The London Plan (July 2011)

## Local

- Bloomsbury Conservation Area Draft Appraisal and Management Strategy (November 2010)
- Draft CPG5: Town Centres, Retail and Employment (May 2011)
- Camden's Statutory Planning Records
- Camden Core Strategy 2010 – 2025 (November 2010)
- Camden Development Policies 2010 – 2025 Development Plan Document (November 2010)
- Camden Unitary Development Plan (2006)
- Planning Brief for 21 – 31 New Oxford Street (Former Post Office site) (2004)
- Planning Brief for Denmark Place (2004)
- Planning Brief for St Giles Court (2004)
- Planning Framework for the Tottenham Court Road Underground Station and St Giles High Street Area (2004)
- Revised Planning Guidance for Central London: Food, Drink and Entertainment, Specialist and Retail Uses (2007)



*Real value in a changing world*

## **COPYRIGHT (C) JONES LANG LASALLE 2011**

No part of this report may be reproduced or transmitted in any form or by any means, or stored in any database or retrieval system of any nature, without prior written permission of Jones Lang LaSalle except for any permitted fair distribution dealing in accordance with all applicable copyright laws. Full acknowledgement must be given for any such use.

This report is based upon materials either compiled by us through independent research or supplied to us by third parties. Whilst we have made every effort to ensure the accuracy and completeness of the data used in the report, we cannot offer any warranty that no factual errors are present. We take no responsibility for any direct or indirect actual or potential damage or loss suffered as a result of any inaccuracy or incompleteness of any kind in this report. We would, however, like to be told of any such errors in order to correct them.

		Date
Originator:	Caroline Harper	25/08/2011
Approved:	Blythe Dunk	31/08/2011

### **Blythe Dunk**

Associate Director  
22 Hanover Square  
London W1S 1JA  
+ 44 (0)207 399 5073  
Blythe.Dunk@eu.jll.com

### **Caroline Harper**

Senior Planner  
22 Hanover Square  
London W1S 1JA  
+ 44 (0)207 852 4138  
Caroline.Harper@eu.jll.com

COPYRIGHT © JONES LANG LASALLE IP, INC. 2011.

This publication is the sole property of Jones Lang LaSalle IP, Inc. and must not be copied, reproduced or transmitted in any form or by any means, either in whole or in part, without the prior written consent of Jones Lang LaSalle IP, Inc.

The information contained in this publication has been obtained from sources generally regarded to be reliable. However, no representation is made, or warranty given, in respect of the accuracy of this information. We would like to be informed of any inaccuracies so that we may correct them.

Jones Lang LaSalle does not accept any liability in negligence or otherwise for any loss or damage suffered by any party resulting from reliance on this publication.

