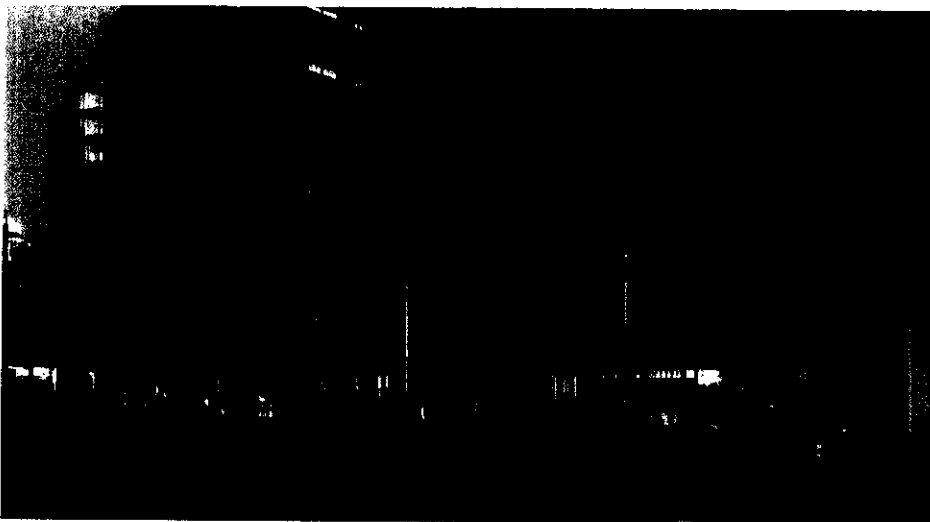


**Central Saint Giles
Units 2 & 5**

**Planning Statement
On behalf of Central Saint Giles Limited Partnership**



17 December 2009

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1 Introduction

- 1.1 This report has been prepared in support of planning applications for full planning permission for the dual Class A1/A3 use of Units 2 and 5 located on the ground floor of the Central Saint Giles development, on behalf our client Central Saint Giles Limited Partnership. A site location plan showing the location of the units within the development is attached at **Appendix 1**.

2 Background to the Proposal

- 2.1 Renzo Piano's vision for Central Saint Giles at ground level was to create a high-quality catering environment which would support and complement the proposed new office and residential accommodation, and add to the character and function of the St Giles area and improve the local environment. This vision was acknowledged by officers through paragraph 7.3.24 of the Committee Report for Central Saint Giles which was considered at the Council's Development Control Sub-Committee on 6 July 2006:

"The applicant proposes to create a high quality food/catering environment, to support and complement the proposed new office and residential accommodation ... The provision of well-managed restaurants could bring advantages to the area in terms introducing evening-time street level activity where there is currently none, bringing with it increased surveillance ... In terms of the likely periods of activity, it is anticipated that the A3 uses would be reliant upon office users during the day and are sufficiently remote from evening time A4/A5 destinations to attract appropriate clientele. Furthermore, the applicant has submitted comprehensive management proposals in the form of an Outline Management Strategy, which is intended to operate in combination with any conditions or s.106 clauses imposed by the local planning authority."

- 2.2 This vision and strategy for management of the food/catering outlets was ultimately endorsed by the Council through the planning permission granted.
- 2.3 The original intention for Units 2 and 5 was for them to be occupied by Class A1 catering uses (it was never the intention that they would be let for generic retail uses). The applicant has been actively marketing the approved ground floor units. The aim has been to target and secure the highest quality, 'best in class' caterers which would offer a point of difference and be compatible with the character of the wider scheme and which would secure residential amenity.
- 2.4 No interest from suitable Class A1 catering operators has been forthcoming. The applicant has, however, had substantial interest in the development from high quality Class A3 operators who need to prepare fresh food on site rather than reheating pre prepared food. The

applicant has an arrangement in place to secure high-end Class A3 tenants for both Units 2 and 5, which is contingent upon planning permission for their operation in use Class A3 being granted.

- 2.5 There are currently five permitted Class A1 units and four permitted A3 units on the site. The permitted Class A3 units are likely to have lease agreements in place shortly and the applicant does not have the option of swapping the Class A3 use across from these units.
- 2.6 The current permitted floorspace breakdown by use for the ground floor units is 1,854 sq m in Class A3 and 1,442 sq m in Class A1. Unit 2 comprises 353 sq m and Unit 5 comprises 252.6 sq m.

3 Proposal

- 3.1 The planning applications propose the dual Class A1/A3 use of Units 2 and 5, which would result in the following floorspace breakdown at Central Saint Giles:

| | Existing Permitted | Proposed |
|-------|--------------------|----------|
| A1 | 1,442 | 836.4 |
| A3 | 1,854 | 1,854 |
| A1/A3 | 0 | 605.6 |

- 3.2 These applications do not propose any physical alterations that would require planning permission. Access, waste and servicing arrangements would remain unchanged and would be as per the permitted scheme. Please see Section 5 for further discussion on these aspects.
- 3.3 The applicant has secured definitive interest in the units from the Albion, which is a Conran operation (they have an existing premises in Boundary Street, E2) and also from Princi, which is an Alan Yau concept in partnership with an Italian company (there is an existing store in Wardour Street).
- 3.4 The Albion is seeking to occupy Unit 2, which is located at the office entrance to the scheme and it is proposed that Princi, would occupy Unit 5. These units provide the requisite prominence and visibility and are of a size that best fits their 'café style' business models. The intention is that the larger units (3-4, 9 and 10) which are more secluded within the Central Saint Giles scheme will provide for high order formal restaurants.
- 3.5 Units 2 and 5 are two of the five units which are currently subject to Class A1 approval. The nature of both the Albion and Princi however is such that their operations will lie beyond the scope of Use Class A1 and will fall within the A3 Use Class.
- 3.6 The applicant is of the view that both the Albion and Princi offer significantly greater benefit to the scheme and to the area than the alternative 'chain' catering offer of the (sandwich) type that would fall

within the A1 Use Class. and its quality and character therefore will be in keeping with that of the wider scheme.

3.7 The interior of the units is to be designed by Renzo Piano.

4 Planning Policy Background

- 4.1 Planning policy operates at three levels. At a national level, Central Government produces guidance in the form of Planning Policy Guidance Notes (PPGs), now known as Planning Policy Statements (PPSs). At a regional level the Mayor's Consolidated London Plan was adopted in February 2008 and is the strategic development plan for London and at a local level, policy is contained within the Unitary Development Plan. Supplementary Planning Guidance (SPGs), now known as Supplementary Planning Documents (SPDs), are also produced by London Borough of Camden. 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.

Regional Guidance

- 4.2 Chapter 3D of the London Plan provides strategic guidance for town centre and retail development within London.
- 4.3 The Plan identifies retail as playing a vital role in London's economy employing over 400,000 people and supporting the economic vitality of all parts of the capital, with over 40,000 shops in London.
- 4.4 With regard to proposed uses within Use Class A3 (restaurants), the London Plan says, at Policy 3D.4, that UDPs should "where appropriate, support evening and night time entertainment uses in Central London" and "where appropriate, manage their impact through policies such as Entertainment Management Zones". It recognises, at paragraph 3.282, that London's "vibrant night-time economy is a major contributor to its world city status as well as meeting more local needs".

Local Guidance

- 4.5 The relevant development plan is the London Borough of Camden Replacement Unitary Development Plan (UDP) adopted in 2006.
- 4.6 Although the site falls within the Central London Area, it does not carry a Central London Frontage designation. Policy R7 (C - Local shops) in Camden's UDP (adopted 2006) states that "Outside the designated centres, the Council will only grant planning permission for development that involves a net loss of shopping floorspace (Use Class A1) provided

that: a) within the Central London Area, the development contributes to local character, function, vitality, viability and amenity, including housing and/or essential services for residents and businesses within the Area".

- 4.7 Policy R1 (B - Food and drink and entertainment) considers the location of new retail and entertainment uses and states that "the Council will grant planning permission for development for food and drink uses and licensed entertainment (in Use Classes A3, A4, A5, D2 or sui generis) in Central London Frontages, Town Centres and the King's Cross Opportunity Area. In assessing development for such uses, the Council will consider whether it could be accommodated in any of these locations before sites on the edges of Central London Frontages and Town centres; or, sequentially, sites elsewhere are considered for development".
- 4.8 Policy R2 (General impact of retail and entertainment uses) states that the Council will only generally grant planning permission for development for shopping and service uses where it considers that the development will not cause harm to the character, amenity, function, vitality and visibility of the area, and where it is readily accessible by a choice of means of transport.
- 4.9 Policy R3 (Assessment of food and drink uses and licensed entertainments) considers that the Council would not grant planning permission for food and drink or licensed entertainment if it considers that it would cause individual or cumulative harm to the area.

Revised Planning Guidance for Central London: Food, Drink and Entertainment, Specialist and Retail Uses (Adopted 4 October 2007)

- 4.10 The purpose of the Supplementary Planning Document (SPD) is to provide additional guidance on how policies in the UDP are interpreted and implemented. The document does not have the same statutory weight in decision making as the UDP but it is an important material consideration when the Council make decisions in planning applications for food, drink and entertainment uses, retail and specialist uses within the Central London Area.
- 4.11 Part B of the Guidance, 'General Development Pressures and Guidance' states that when the Council receives a planning application

for a new food, drink, and entertainment use then the Council will consider whether it will be located in a broadly acceptable location for that type of activity; not adversely affect the street frontage or area in which it is located; and not create harm in its specific location.

The St Giles Court Planning Brief (adopted 2004)

- 4.12 This brief considers that the site occupies an 'edge-of-centre' location in relation to the Central London Frontage and states "Food and drink (A3) uses will also be appropriate in locations throughout the site, and the Tottenham Court Road Station and St Giles Area Planning Framework particularly envisages these developing along the St Giles High Street and Bucknall Street frontages and at Princes Circus. The Council would expect a mix of different A3 uses to be provided to avoid the overconcentration of particular types of establishment and to minimise impact on the amenity of the area. It would particularly welcome A3 uses that are not primarily alcohol based".
- 4.13 It should be noted that this Planning Brief was adopted before the Use Classes Order was amended creating a new A4 use class for drinking establishments.

5 Key Planning Issues and Policy Compliance

- 5.1 In summary, the key planning issues are considered to be:
- a) The location of the proposed Class A3 use;
 - b) Impact of Class A3 use on residential and local amenity; and
 - c) Potential loss of approved Class A1 floorspace.

The location of the proposed Class A3 use

- 5.2 Policy R1 of the UDP considers the location of new retail and entertainment uses. Part B states that “the Council will grant planning permission for development for food and drink uses and licensed entertainment (in Use Classes A3, A4, A5, D2 or sui generis) in Central London Frontages, Town Centres and the King's Cross Opportunity Area. In assessing development for such uses, the Council will consider whether it could be accommodated in any of these locations before sites on the edges of Central London Frontages and Town centres; or, sequentially, sites elsewhere are considered for development. Neighbourhood Centres are considered a suitable location for small-scale food and drink uses. Developments should be of an appropriate scale and character for the centre to which they relate”.
- 5.3 The site has been accepted as an appropriate location for Class A3 uses in the St Giles Court Planning Brief and through the existing permission.
- 5.4 In their report to committee on the original planning application on 6 July 2006 officers noted at 7.3.24 that “the applicant proposes to create a high quality food/catering environment, to support and complement the proposed new office and residential accommodation” and that “the provision of well-managed restaurants could bring advantages to the area in terms introducing evening-time street level activity where there is currently none, bringing with it increased surveillance”.
- 5.5 Officers concluded at 7.3.25 that “the A1/A3 elements of the proposals would comply with policy, subject to normal controls and careful monitoring of: use, hours of opening, plant, playing of music and extent/time of associated outdoor/courtyard activity”.

Impact of Class A3 use on residential and local amenity

- 5.6 With regard to policy R2, it is considered that the introduction of two new high class A3 uses will not cause harm to the function, character, vitality and viability of the area. Indeed, the two new uses will enhance the area and help to establish Renzo Piano's vision for the overall development. Both units are visually prominent and therefore, a change of use to Class A3 will bring the units within the development to life. The site is also well connected to a range of public transport links which are in close proximity to the site.
- 5.7 It was acknowledged by Council officers in the report to the committee when the main planning application was considered, that well-managed and operated A3 uses are a good way to tenant such units; bringing life to the building and helping to create the atmosphere which the development is intended to deliver, i.e. one of a safe and vibrant atmosphere throughout the day and into the evening.
- 5.8 With regard to the cumulative impact of Class A3 uses and as part of the main planning application submission, the applicant instructed Broadgate Estates to prepare a comprehensive management strategy for this site. As part of the Management Strategy, Broadgate Estates considered the management of the retail, food and drink uses.
- 5.9 With regard to the impact of A3 clusters, Broadgate Estates undertook a comparison between the proposed development at Central Saint Giles and the existing cluster at Maiden Lane, Covent Garden, which has been cited as an example of one which has a negative impact on amenity.
- 5.10 It concluded that:
- A3 uses along Maiden Lane have evolved over a long period of time and under separate ownerships with little control. This will not be the case with St Giles Court where there would be considerably less A3 than at Maiden Lane.
 - As the St Giles Court site remains in single ownership, the client will have the ability to manage and control the operations through a consistent letting policy and through leases. This will enable them to ensure the quality of the operators within the

development and prevent the scheme being compromised by unacceptable social activities that may be associated with lower range operators.

- The landlords will consider the needs of their residents in all aspects of the management of the development as they will be the first to be affected by any potential problems; they will therefore have a self-policing function enabling the landlords to deal with any problems before they affect the wider community.
- Having allowed in quality retail tenants, the landlords will not be complacent regarding the ongoing management of the units.

Potential loss of approved Class A1 floorspace

- 5.11 In respect of policy R7, the Council considers that they would only grant planning permission for development that involves a net loss of shopping floorspace (Use Class A1) provided that:
- a) within the Central London Area, the development contributes to local character, function, vitality, viability and amenity, including housing and/or essential services for residents and businesses within the Area.
- 5.12 The approved Class A1 floorspace has never been implemented and therefore there will be no net loss. Furthermore, this application seeks dual A1/A3 use for each unit and so the potential for A1 use is retained.
- 5.13 Notwithstanding this we consider that the proposed Class A3 floorspace will contribute to the local character, function, vitality and viability of the overall Central Saint Giles development and provide additional services for residents and businesses in the area. If planning consent is not granted for A3 use, the units will have to be let to lower class A1 cafe operators resulting in a poorer tenant mix.

5.14 At the time of the original planning application the Borough instructed Peter Shearman Associates (Retail Planning Associates) to independently assess the retail proposals in the context of their planning requirements. The Peter Shearman report made the following conclusions:

- Whilst the redevelopment of St Giles Court in conjunction with the opportunities for improvements to the public realm in the area opens the door for increased pedestrian flows in this area, forecast pedestrian flow levels are still modest and the likely (A1) retail demand on this site will come from service-oriented businesses or highly specialised independents. It considers that neither category would draw significant numbers of people into the area, and there is not sufficient tenant demand to support letting the majority of new units on this basis.
- Requirement for a significant A1 component to the development is likely to create a sustained problem of unoccupied space which would be damaging to the development and to the area as a whole.
- Restaurants are not dependent on pedestrian flows and, together with a radically improved external environment and demand from office workers and residents in the new scheme, create the basis for a new restaurant focus at St Giles Court. In contrast to the alternative of low-key retailing and services, a restaurant focused user mix is more likely to create life and activity and produce a more attractive environment.

Management

5.15 The development is managed by Broadgate Estates and therefore the management strategy (approved by the Council) will remain in place. The applicant will adhere to the management strategy which deals with noise, litter etc in order to protect the residential amenity.

5.16 In terms of opening hours, the entire St Giles development is controlled via conditions and therefore, the two new A3 units will comply with the current restrictions.

Waste and Servicing

- 5.17 Waste will be dealt with as set out in the Waste Management Strategy prepared by Broadgate Estates and submitted pursuant to Condition 25 of planning permission 2005/0259/P.
- 5.18 In respect of the servicing requirements for the units it is considered that there will be no impact on the existing servicing strategy for the site.

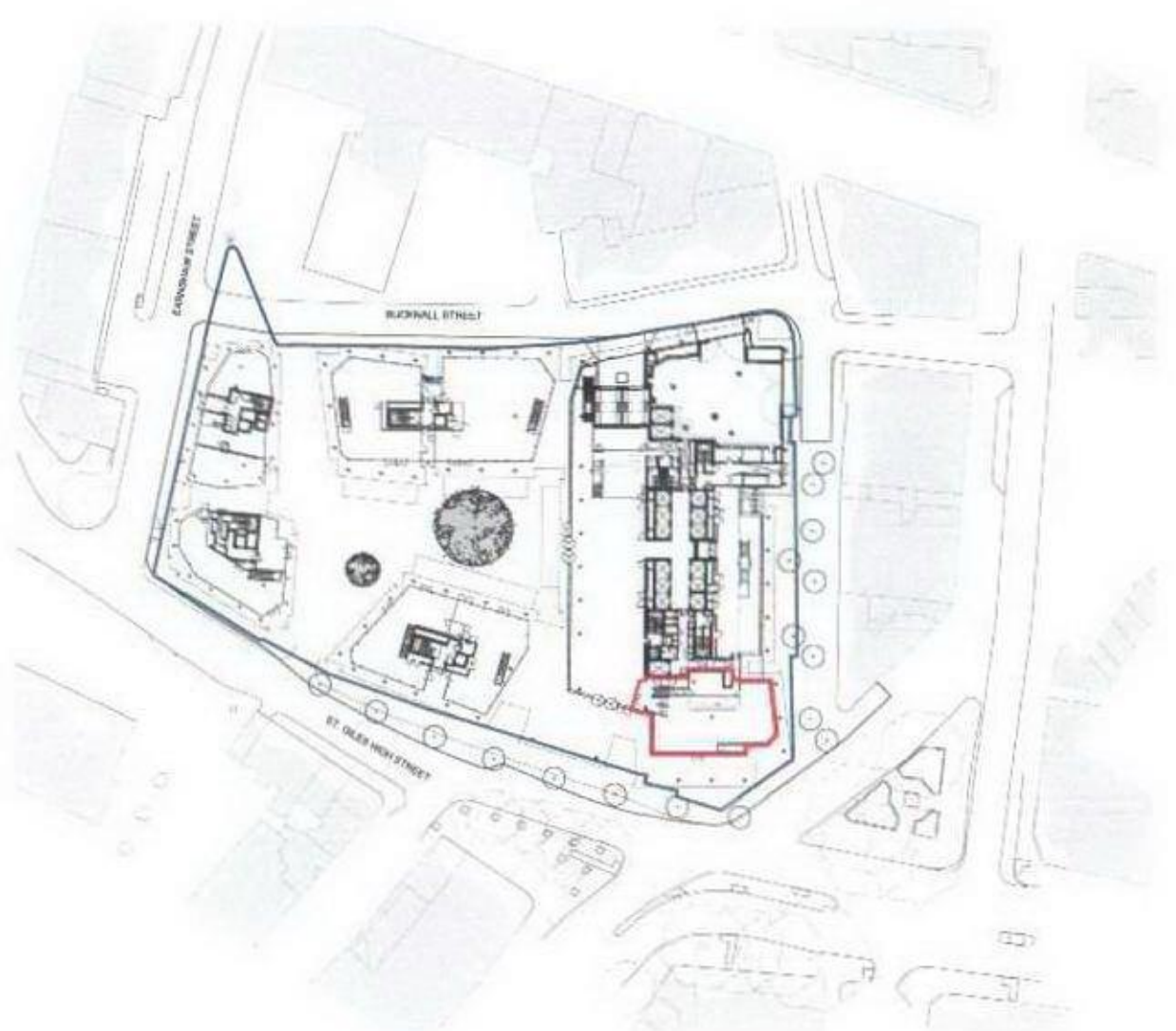
Ventilation

- 5.19 Units 2 & 5 will employ the same ventilation strategy as the existing A3 units on the site. The strategy for those units was agreed in 2007 with the Environmental Health Officer at the London Borough of Camden.
- 5.20 This agreed strategy involves attaching a carbon filter to the existing ventilation equipment in order to prevent smells and fumes extracting at first floor levels. It is therefore considered that the approved Management Strategy will ensure that the proposals meet the policy objectives contained within Policy R3.
- 5.21 Specifically, the strategy involves exhaust air from any kitchens or catering function within the units being treated with "Ecology" units or similar to extract grease and odours. Air is then discharged 5m above street level through existing façade louvers.
- 5.22 Discharges are directed away from intake air locations and away from seating areas. The specification of the "Ecology" units is matched to the type of cooking within each unit.
- 5.23 Maintenance of these Ecology units is the responsibility of the retail operator but the estate management team will keep a watching brief over the whole development.

6 Summary and Conclusions

- 6.1 The site's distance from the main retail hub of Oxford Street makes Central Saint Giles an unlikely Class A1 retail attraction. The intention has always been to create a high quality catering environment at ground floor level capable of meaningful interaction both with the quality of architectural vision and landscaping of the public area.
- 6.2 The principle of Class A3 use is already established on the site, with the existing permission including 1,854 sq m of Class A3 use.
- 6.3 This proposal would result in a change of approximately 605 sq m of permitted but unimplemented Class A1 accommodation out of total of 1,442 sq m. Over 835 sq m of Class A1 only would still remain on the site.
- 6.4 The aspiration of the developers to create a high-quality A1/A3 dining and catering destination at Central Saint Giles was acknowledged and supported by officers in their report to committee on the main planning application on 6 July 2006.
- 6.5 There would be no net loss of Class A1 floorspace as the A1 uses in these units have never been implemented. Furthermore, this application seeks dual A1/A3 use for each unit and so the potential for A1 use is retained.
- 6.6 Notwithstanding this, we consider that the proposed Class A3 floorspace will contribute to the character, function, vitality and viability of the overall Central Saint Giles development and provide services to residents and businesses in accordance with UDP policy.
- 6.7 High quality Class A3 operators with strict management practices bring vitality and enhance security and will encourage people to visit the site.
- 6.8 There is tenant demand for the A3 uses which will help create a viable development.
- 6.9 These applications do not propose any physical alterations that would require planning permission.
- 6.10 The proposals would have no affect on the existing access, waste and servicing requirements for the site.

- 6.11 It is considered that there will be no cumulative impact of Class A3 uses within the site as the applicant will adhere to the approved Management Strategy which seeks to protect residential amenity.
- 6.12 The Class A1 planning permission in place for both units would currently allow coffee shop and lunchtime operators.
- 6.13 The applicant is seeking to encourage independent operators or small chains, who can work within the design criteria, utilise the impressive head height and ensure their fit outs meet the quality of the architecture and maximise the visibility to the heart of Renzo Piano's development.
- 6.14 It is considered that the use of Units 2 and 5 for high quality (Class A3) restaurant use will make a positive contribution to the street level activity and to the restaurant experience within Central Saint Giles. It is of paramount importance to the applicant, as long term landlords of this site to ensure that the proposed Class A3 uses are properly managed and controlled and that there are no adverse impacts on the residential and environmental amenity in the area.



| NO. | DESCRIPTION | DATE |
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- PROPOSED WORK REPORT
- UNIT 2 BOUNDARY



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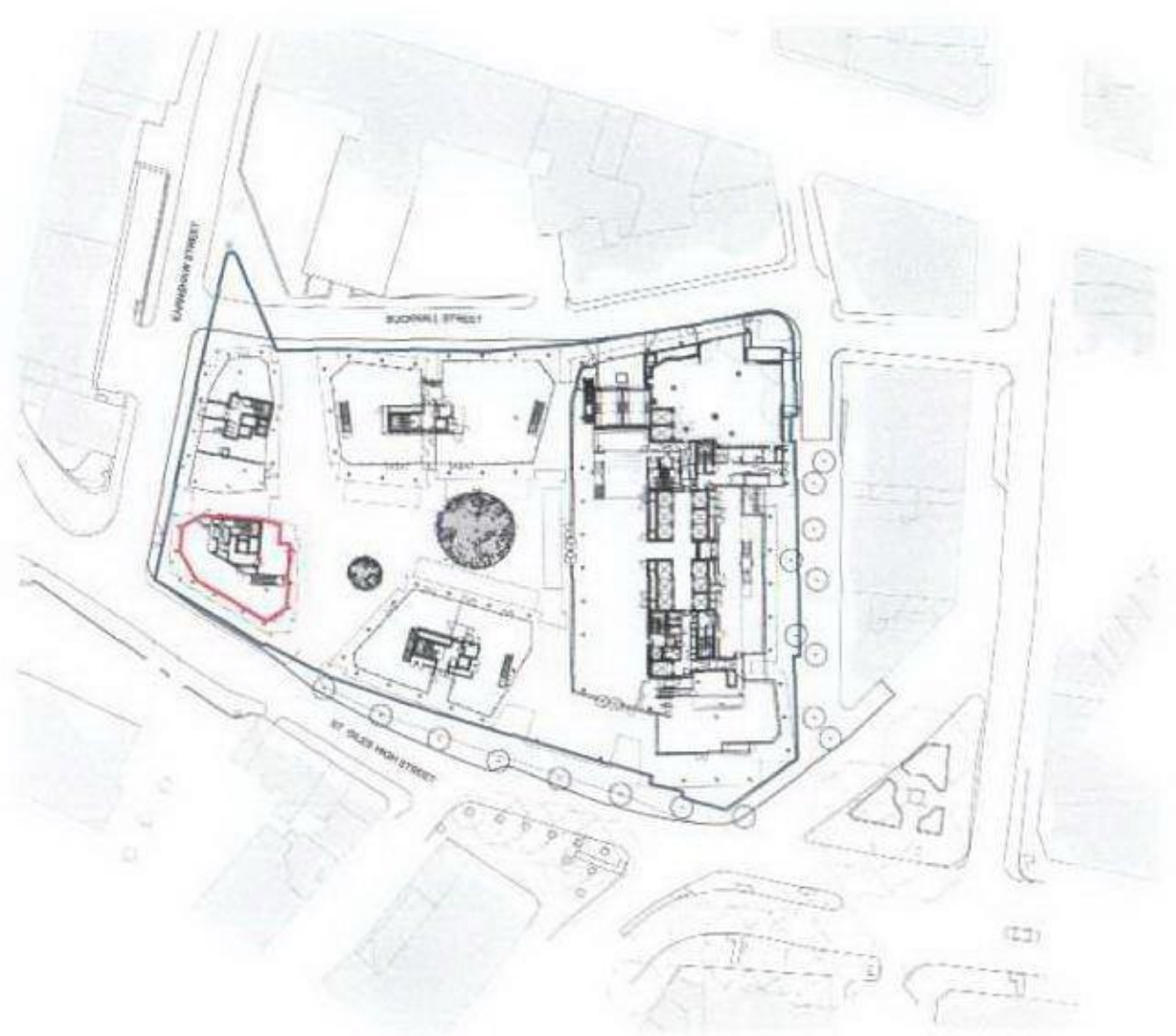
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PLANNING

FLETCHER PRIEST

SITE LOCATION PLAN UNIT 2

DATE: 07 12 2009 SCALE: 1:500 A3
 DRAWN BY: CH CHECKED BY: CS
 PLAN NO: FP-SW-SC-100-20980 REGION: 00



SCALE: 1:500

- PROPERTY BOUNDARY
- UNIT 5 BOUNDARY



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PLANNING

FLETCHER PRIEST

SITE LOCATION PLAN UNIT 5

DATE: 07/12/2009 SCALE: 1:500 @ A4
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 PLAN NO: FP-SW-SC-L00-20091