

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	17/02/2009	
				<b>Consultation Expiry Date:</b>	02/03/2009	
<b>Officer</b>			<b>Application Number(s)</b>			
Jenny Fisher			2009/0359/P			
<b>Application Address</b>			<b>Drawing Numbers</b>			
264-267 Tottenham Court Road London W1T 7RQ						
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>			
<b>Proposal(s)</b>						
Amendment to planning permission granted on 30/09/2004 (2004/1953/P) and subsequent amendment on 18/10/2007 (2007/2268/P) for a change of use of the approved Class A1 retail units A and B to Class A2 professional and financial services at basement and ground floor level.						
<b>Recommendation(s):</b>		Grant planning permission				
<b>Application Type:</b>		Full Planning Permission				
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice				
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	00	No. of responses	00	No. of objections	00
			No. electronic	00		
<b>Summary of consultation responses:</b>		Site notice displayed				
<b>CAAC/Local groups* comments:</b> <small>*Please Specify</small>		<u>Bloomsbury CAAC</u> No comment				

## Site Description

264-267 Tottenham Court Road (formerly known as the Horseshoe Hotel) comprised 4 floors plus basement and mansard; built in 1875 in an ornate French Empire style. Following demolition the implementation of the 2004 approval is currently in progress.

Located on the east side of Tottenham Court Road. To the west the main entrance to the Dominion Theatre (listed grade II) is adjacent to the building, with the main part of the theatre to the rear of the site.

The site is situated within the Bloomsbury Conservation Area.

## Relevant History

30/09/2004 2004/1953/P

Demolition of 264-267 Tottenham Court Road and the redevelopment of the site to provide a six storey building plus basement for retail (Class A1), restaurant (Class A3), office (Class B1) and 7 residential units

18/10/2007 2007/2268/P

Amendments to planning permission dated 30th September 2004 (ref. 2004/1953/P)

(for the demolition of 264-267 Tottenham Court Road and the redevelopment of the site to provide a six storey building plus basement for retail (Class A1), restaurant (Class A3), office (Class B1) and 7 residential units).

Proposed modifications allow the provision of an additional 2 residential units within the main building bringing the total to 9. The increase has been achieved by the reconfiguration of the approved residential layout. Room sizes comply with standards

Floor areas for retail, restaurant and office uses remain as approved.

04/ 12/2008 pre-application advice – ENQ/33540

Applicant advised:

The Council normally resists the loss of A1 floor space at ground floor level within a Central London frontage, as is the case here. Referred to Policy R7.

Para 6.43 in support of policy R7 identifies financial and professional services as positive contributors to the character, amenity, function, vitality and viability of the area. Nevertheless, although an A2 use may be acceptable here, providing a service for visiting members of the public, you would be expected to demonstrate why the loss of A1 floor space may be acceptable. This could include the submission of marketing evidence to show that the owners have had difficulty in finding an A1 tenant for the unit.

Applicant advised that they would need to consider the 'Revised Planning Guidance for Central London: Food, Drink and Entertainment, Specialist and Retail Uses' document (October 2007). The application site lies within the Tottenham Court Road/Charing Cross Road Central London Frontage which states that there should be no loss of retail use at ground floor level in this location. Para.15.20 states that 'planning permission will not be granted for changes of use from retail to other non-retail uses, except in exceptional circumstances'.

## Relevant policies

Replacement UDP S1/S2; R7; B4, B7

Camden Planning Guidance Town centres

Planning Guidance for Central London

## Assessment

Proposed is the change of use of the retail units A and B (Class A1) to a bank (Class A2). The A1 use has not been implemented.

The approved scheme (2004/1953/P) included 1,531m<sup>2</sup> of retail and restaurant use provided at ground floor/basement level. 880m<sup>2</sup> approved for A3 use in Unit C and 651m<sup>2</sup> approved for A1 use within Units A and B. The A3 unit will be occupied by Garfunkels (880m<sup>2</sup>) the previous tenant prior to re-development. 651m<sup>2</sup> (ground floor and basement) remains available (units A and B). Applicant seeks the use of units A and B as a bank.

Proposal was subject to pre-application advice (summarised in 'History' above).

The applicant has submitted additional information in order to support their case for a change of use. Marketing evidence from Cushman and Wakefield (Retail Real Estate Services) declares that the unit has been marketed at reasonable rental levels over the past 17 months without success. Marketing methods used have been provided and Cushman and Wakefield have explained why there has been no take-up of the unit. Included in their explanation is the view expressed by retailers contacted that the site is "disconnected" from the main concentration of retail occupiers on the west side of Tottenham Court Road.

Given the above evidence, and the fact that an A2 use is typical for a Town Centre attracting visiting members of the public, it would be difficult to justify the proposed change of use would have a detrimental impact on the character, function, vitality and viability of the centre. It is therefore considered acceptable in line with Policy R7.

In summary, given the detailed justification submitted by the applicant, the proposal is acceptable in land use terms.

The proposed bank would have a high quality, open, glass frontage, providing an active street frontage, in-keeping with high street appearance that would accord with the Council's objectives. It would be installed within the ground floor frontage approved 30/09/2004. There would be no adverse impact on the character or appearance of the conservation area.

Recommend approval with a reminder that an application for advertisement consent may be required.

### **Disclaimer**

***This is an internet copy for information purposes. If you require a copy of the signed original please contact the Culture and Environment Department on (020) 7974 5613***