



planning statement

264-267 TOTTENHAM COURT ROAD
LONDON

GRAINGRADE LTD

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Appendix A – Site Location and Existing Banks

1.0 INTRODUCTION

- 1.1 Graingrade Ltd is proposing a change to one of the uses within the approved mixed use scheme at 264-267 Tottenham Court Road, London. The current scheme, approved in 2004 (ref. 2004/1953/P) comprises a six storey building (plus basement) with retail and restaurants at ground floor and office, and residential uses above. The development is currently under construction and due for practical completion in April 2009.
- 1.2 This application is for an amendment to the approved scheme, to incorporate a change in one of the approved uses at ground and basement floor levels. It is proposed that the approved A1 retail area be changed to an A2 financial and professional services use for a high street bank operator. The approved A1 retail use has not yet been implemented.
- 1.3 Pre-application advice has been sought from the Council in a letter dated 06 November 2008 and a response was received, dated 04 December 2008. Feedback received in this response has been incorporated into this application.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The site lies to the east of Tottenham Court Road, amid an area of retail, leisure and office uses and is within short walking distance of Tottenham Court Road Underground station.
- 2.2 The approved mixed use scheme is currently under construction and is scheduled for practical completion in April 2009. Prior to the construction of the previously approved mixed use scheme the site was used for retail, restaurant and office use.
- 2.3 The site is surrounded by various office buildings, electrical retail users, leisure uses, cafes and restaurants. The buildings within the immediate vicinity are of a diverse age, style, character and quality.
- 2.4 This site is located within the London Borough of Camden, and has several policy designations on the adopted Camden Replacement Unitary Development Plan (2006) proposals map. The building is part of the Central London Area, the Central London Frontage, Bloomsbury Conservation Area, and is within an Archaeological Priority Area.

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3.0 PLANNING HISTORY

3.1 The planning history to the site, dating back to the original proposals for redevelopment in 1991, are set out below. Planning permission 2004/1953/P and the subsequent amendments approved under 2007/2268/P are currently being implemented as construction takes place on site.

Ref. No.	Description	Decision and Date
2007/2268/P Full Planning Permission	Amendments to planning permission dated 30 September 2004 (ref. 2004/1953/P).	Approved 18 October 2007
2004/1953/P Full Planning Permission	Demolition of 264-267 Tottenham Court Road and the redevelopment of the site to provide a six storey building plus basement for retail (A1), restaurant (A3), office (B1) and 7 residential units.	Approved 30 September 2004
PSX0105269 Full Planning Permission	Demolition of 264-267 Tottenham Court Road (and associated internal and external alterations to 5 Great Russell Street) and the redevelopment of the site to provide a six storey building plus basement for retail (A1), restaurant (A3), office (B1) and 8 residential units.	Appeal against non-determination Dismissed 20 January 2004
PSX0104279 Full Planning Permission	Demolition of 263-267 Tottenham Court Road and redevelopment of a new building incorporating basement, ground and 1 st to 6 th floors to include retail and office floorspace, and 9 residential units, and alterations to 5 Great Russell Street.	Withdrawn 06 September 2001
PS9904978 Full Planning Permission	Demolition of existing buildings and the redevelopment of the site to provide a mix of retail/restaurant uses (A1 and A3) 2324 sqm, office (B1a) 2011 sq/m, and four flats, in a basement, ground and four storey building with servicing access from Great Russell Street.	Withdrawn 03 April 2001
PS9904980 Full Planning Permission	Demolition of existing buildings and the redevelopment of the site to provide a mix of retail/restaurant uses (A1 and A3), office (B1a), and residential use, in a basement, ground and four storey building with servicing access from Great Russell Street. (Inc. 263 Tottenham Ct Road)	Withdrawn 03 April 2001
9100532 Full Planning Permission	Redevelopment of 264-267 Tottenham Court Road to provide basement and ground floors class A1 and A3 uses and 6 upper floors of class B1 accommodation and conversion and extension of 5 Great Russell Street to provide ground floor service access, 1 st and 2 nd floor class B1 office and 3 rd and 4 th floors residential flat.	Approved 30 May 1991

4.0 THE PROPOSAL

- 4.1 The approved scheme, currently under construction, comprises retail, restaurant, office and residential uses. Within this, Units A and B at the ground floor are allocated for A1 retail use. The approved retail area is 651 sq/m. Unit C at the ground floor is the A3 restaurant area. The approved restaurant area is 880 sq/m and this has been let to Garfunkels, the former tenant of the previous building. It is proposed to amend the approved scheme to change the A1 retail area to A2 financial and professional services, in order to accommodate Metro Bank, a high street retail bank. The approved A1 use has not yet been implemented.
- 4.2 Metro Bank offer a new retail banking concept which differs considerably to the standard corporate bank format. Metro Bank will be opening four sites in 2009, and plan to acquire more than 200 branches throughout London over the coming years.
- 4.3 No changes to the layout, floorplans or elevations are proposed as part of this application beyond the removal of an internal wall at the ground floor level. The approved and proposed floorplans are submitted as part of this planning application. The application relates solely to the change of use of Units A and B within the approved scheme.
- 4.4 We, and Metro Bank, believe the approved building, currently under construction, would be ideally suited to a bank user. The high ceilings and classical façade lend themselves well to the traditional high street retail bank image and the use would successfully complement the scheme and the wider retail area. The external frontage design of a high street retail bank would also ensure a quality frontage.
- 4.5 The need to change the use of this part of the scheme has arisen as the owners of the site have not been able to secure a retail tenant, despite an extensive marketing campaign over the last 17 months. Enclosed with this application is a letter dated 11 December 2008 from the owner's letting agents, Cushman and Wakefield LLP, which outlines their marketing efforts, and explains their concerns relating to the likely success of securing a retail tenant in the foreseeable future.

4.6 As outlined by Cushman and Wakefield LLP. The current market is failing, with demand from retailers and other users alike in decline. With the market in meltdown, there are fewer and fewer businesses looking to expand or invest in new premises. The current financial climate is exceptionally fragile and any opportunities for positive growth should be supported. In the absence of a retail tenant, my client is keen to support a business which is embracing growth and is in a strong position to expand and succeed. This will be to the benefit of all.

5.0 DEVELOPMENT PLAN POLICY

5.1 The Statutory Development Plan for the site comprises the Camden Replacement Unitary Development Plan (2006) and The London Plan (Consolidated with Alterations Since 2004). Under the new system of development plan making, the UDP will eventually be replaced by the Local Development Framework (LDF), which will set out policies for the local area. The Council is currently producing its Core Strategy Development Plan Document, Site Allocations Development Plan Document and Development Policies Document. We set out below a summary of the relevant London Plan policies before then describing the UDP and emerging LDF.

The London Plan (Consolidated with Alterations Since 2004)

5.2 The London Plan sets out the strategic framework for economic, social and environmental policies in Greater London for the next 15-20 years. It sets the context for local policies developed by the individual boroughs in their Unitary Development Plans and Local Development Frameworks.

5.3 The London Plan sets out policies relating to retail uses throughout the city. The West End is identified as an International Centre within the town centre network. London Plan policies are aimed at supporting the retail function within the town centres, as well as supporting and encouraging other related uses. The competitiveness and quality of retail and consumer services should be enhanced. Regular town centre health checks and strategic assessments of centres should be undertaken by boroughs. The text states that 'the vitality and viability of town centres will be enhanced by a wider range of uses' (3.268, pg 163).

5.4 The London Plan sets out the strategic policy for the Central Activities Zone (CAZ). Tottenham Court Road falls within the West End Special Retail Policy Area and is identified as an area of the CAZ containing mixed uses, with a strong academic character.

5.5 The West End Special Retail Policy Area (WESPRA) is identified as being the largest retail area in London and the UK. It plays a key role in the Capital's economy, in terms of

retail sales and employment. The London Plan identifies the emphasis on retail primarily, but acknowledges the importance of complementary uses also. The London Plan states that 'strategic and local mixed use policies need to be applied in the WESPRA with flexibility to ensure commercial activity and growth are not inhibited and the overall policy objectives for the area are realised' (5.183, pg 357).

London Borough of Camden Replacement Unitary Development Plan (adopted June 2006)

- 5.6 The Camden Replacement Unitary Development Plan was adopted in 2006 and sets the planning context for the next 10-15 years.
- 5.7 The UDP Proposals Map indicates the following designations on the site:
- Central London Frontage
 - Central London Area
 - Archaeological Priority Area
 - Bloomsbury Conservation Area
- 5.8 The Central London Frontages are parts of London which have a national, international or London-wide retail role. The Central London Frontage at Tottenham Court Road operates as an extension to the West End. The overall aims of the Council's town centre policies are to promote the success of the centres, to retain a range of retail (shops, services and food and drink) and entertainment uses in appropriate locations, and to protect local residents and areas from the harmful impacts of such uses.
- 5.9 Policy R1 states that the Council will grant planning permission for development for shopping and service uses (use classes A1 and A2) in Central London Frontages. Developments should be of an appropriate scale and character for the centre to which they relate.
- 5.10 The Council will take a sequential approach and guide development for shops and financial and professional services to the Central London Frontages.

- 5.11 Policy R2 states that the Council will only grant planning permission for development for shopping and services uses (A1, A2, A3, A4, A5, D2 or sui generis) where it considers the development will not cause harm to the character, amenity, function, vitality and viability of the area, and is readily accessible by a choice of means of transport. The Council will consider the cumulative effects of development, having regard to existing provision.
- 5.12 Policy R7 specifically relates to the protection of shopping frontages and local shops. At Central London Frontages the Council will resist the net loss of shopping floorspace and will only grant planning permission for development that it considers will not cause harm to the character, function, vitality and viability of the centre. Paragraph 6.43 states that financial and professional services, inter alia, are uses which make a positive contribution to the character, function, vitality and viability of the Central London Frontage areas. The appropriate mix of uses will vary from area to area. Primarily the Council seeks to retain a strong retail element, and will resist the loss of shops where a long run of non-A1 uses would be created or where the number of non-A1 uses would cause harm to the character and viability of the centre.

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

- 5.13 This document expands upon policies contained in the Unitary Development Plan and offers additional guidance.
- 5.14 The Central London Frontage at Tottenham Court Road is described as having a high level of public transport accessibility. It is characterised by large scale developments and large retail units. Retail accounts for nearly two thirds of units. Two distinct concentrations of specialist retail uses of London-wide significance are identified – furniture/home furnishings, and electrical goods. It is noted that more recently a small proportion of the home furnishing stores have become vacant. Electrical retailers are clustered around the southern end of Tottenham Court Road.
- 5.15 The guidance document states that the Council does not wish to see the retail role diminished in the area of Tottenham Court Road and New Oxford Street and it is stated

that planning permission will not be granted from retail to other non-retail uses, except in exceptional circumstances.

Core Strategy Preferred Approach 2008

- 5.16 As part of the emerging Local Development Framework the Council has produced a Preferred Approach - Core Strategy Development Plan Document which was the subject of public consultation between October and November 2008. This sets out key policies to guide development in Camden. The Council is at the second stage of the process of preparing this document – the Preferred Options. The next stage will be the submission of the Draft Core Strategy to the Secretary of State, which will then be followed by a Public Examination.
- 5.17 The Council's preferred policy option for retail and town centres includes to provide for and maintain a range of shops, services, food, drink and entertainment and other suitable uses in the town centres to provide variety, vibrancy and choice. Where the loss of shops would cause harm to the character and function of a centre this will be resisted.
- 5.18 A network of town centres remains part of the emerging policy. Within this, the Central London Frontages are areas identified as operating in a similar way to town centres. Tottenham Court Road forms part of the Central London Frontage. The Council will expect new shops and other suitable uses to be provided in existing town centres, and the some of the Central London Frontages, including Tottenham Court Road. Other suitable uses are identified as including A2 financial and professional services. Indeed, it is stated that the success of a centre is strongly influenced by the variety and choice of shops, services, and other uses within it. Although the type of development should be appropriate to the particular centre, it is stated that service uses (in class A2) are considered suitable for all levels of centre. The loss of shops will be resisted where it is considered that it will cause harm to a centre or local area.

Development Policies - Development Plan Document Preferred Options 2008

- 5.19 The Development Policies DPD will support the implementation of the Core Strategy by providing detail policies to guide development. Within this document, A2 uses (financial

and professional services) are identified as being one of the uses considered suitable for town centres.

- 5.20 Preferred Policy DP31 states that the Council will ensure that the development of town centre uses does not cause harm to the character, function, vitality and viability of a centre. The Council will consider the effect of non-retail development on shopping provision and the character of the centre in which it is located.

6.0 POLICY RESPONSE

- 6.1 The proposed development comprises the change of use of a proposed retail unit to a bank use. The construction of the building is not yet complete and as such, the A1 use has not yet been implemented. The site is within the Central London Frontage of Tottenham Court Road.
- 6.2 A2 use is viewed by the Council as a suitable use within the Central London Frontages, providing it does not have a detrimental effect upon the vitality and viability of the retail area. In terms of the sequential approach, it is the ideal location for such uses.
- 6.3 Within this context, the Council's policy is to prevent the loss of A1 retail uses, except in exceptional circumstances. In this case, the permitted A1 use has not been implemented and at this time is showing no sign of being implemented in the foreseeable future, despite an extensive marketing campaign. In this sense, there would technically be no loss of retail space as the retail use has not been brought into operation. In the absence of an active use, the unit would sit empty at the time of completion. This may therefore be an ideal location for a non-retail use which the Council has stated it deems appropriate for the area, and although technically Metro Bank is an A2 use, it is a retail bank with a more customer orientated format, rather than a corporate bank. No A1 use would be lost as it has not yet been successfully implemented.
- 6.4 This application relates to a small unit within an 'island' block on Tottenham Court Road. The change of this small unit to an A2 bank use would have little impact upon the wider area. It would be de minimus. The scale of the change is insignificant in the context of the Central London retail area.
- 6.5 As stated at paragraph 5.17, the Council's policy seeks to ensure a range of shops and services are provided in the Central London Frontages. The proposed change of use complies with the Council's policy in terms of ensuring a range of services are provided. The one key service that is missing from this part of Tottenham Court Road is a bank use. A GOAD plan is attached at Appendix A which highlights the application site and the location of existing banks in the surrounding area. It is clear that there is an absence

of banks around this part of Tottenham Court Road. We therefore believe that this is the ideal location for such a use and that this planning application complies with the aims and objectives of the Council policy. There are no cash machines in this part of the shopping area and the site's proximity to the underground train station makes it the most convenient location for this facility – as many visitors to the area enter and leave this way. The 'island' nature of the site, set apart visually from the main street scene makes it the most appropriate location for this service, with minimal interference with the successful retail function in the surrounding area.

- 6.6 The proposed bank would have a high quality, open, glass frontage, providing an active street frontage which remains in-keeping with the overall high street appearance of this retail area, in accordance with the aims and objectives of the Council. The unit would be similar in appearance to a retail unit and would not interfere with the visual perception of the retail function of the area.
- 6.7 An A2 bank use is considered to be complementary to the primary retail use of the area. It would serve to enhance and support the retail function. The plan attached at Appendix A demonstrates the absence of banking facilities in this area. The bank use would generate its own footfall, to the benefit of surrounding retailers and other uses. Conversely, it would also benefit from the concentration of people utilising the shops and other services in the area.
- 6.8 This part of Tottenham Court Road is primarily led by retail uses, but also contains a mix of leisure, restaurant, office and café uses. Currently, there are no banking facilities in an extensive radius of the application site, despite being part of one of the busiest pedestrian streets in London. Existing businesses in the immediate area include Dorothy Perkins, The Carphone Warehouse, Zavvi, Boots, Muji, Sainsburys, Burger King, the Dominion Theatre, and various electrical retailers. The non-A1 uses are not dominant, and the addition of one further non-A1 use would not have a damaging cumulative effect upon the area. A1 uses would remain the dominant use.
- 6.9 The owner's letting agents, Cushman & Wakefield LLP, have not been able to secure a retail tenant for Units A and B, despite extensive and thorough marketing undertaken

over the last 17 months. This planning application submission includes a letter from the agents, outlining their efforts, and speculating on the future of the unit.

- 6.10 It would appear that as a retail tenant has not been secured in the last seventeen months of marketing, it is even less likely that one will come forward in the foreseeable future. The economic downturn in the UK, and more specifically London and the West End, is putting increasing financial pressures on retailers are making retail expansions and moves less and less frequent. Vacancy rates are gradually increasing throughout the city and the country as a whole. It is a reasonable assumption to make that this new retail unit may well be vacant at the time of practical completion and may sit empty for some time after that.
- 6.11 The presence of a vacant retail unit in such a prominent central location may have a detrimental effect upon the vitality and viability of this retail area. The damaging effect of a vacant unit at this time can be seen to far outweigh the Council's concern relating to the damage caused by the loss of a potential retail unit. In such circumstances, we would propose that exceptional circumstances exist to allow the loss of one retail unit (albeit an unimplemented retail use) as the retention of the A1 use, and subsequent period of vacancy would detract from the vitality of the area.
- 6.12 The London Plan encourages town centre health checks. This would imply that a proactive, flexible approach should be adopted by Local Authorities. Town centre activity should be monitored to ensure that the approach towards town centre management and uses is up to date, relevant and appropriate. The London Plan states that a **flexible approach should be taken to local policy**, to ensure that commercial activity is not restricted and growth inhibited. Indeed, the emerging Local Development Framework appears to demonstrate a more flexible approach towards town centre uses. This planning application represents a situation where a flexible approach would be of benefit to the wider area, both in terms of supporting a growing business in a difficult market, and in providing a service where there is currently a shortage (refer to map attached at Appendix A which illustrates the distribution of banks in the area).
- 6.13 It is considered that the introduction of an A2 bank use at this location would have a significant positive effect upon the amenity, function, vitality and viability of the area,

adding to the variety of uses. It would not have a detrimental effect as the A2 use complements the dominant A1 function. Metro Bank will provide a facility which will add to the amenity of the area, serving the area's office workers, residents, retail users and visitors to the surrounding leisure uses. Metro Bank can provide a much needed public facility at this location. This specific area will benefit from a high street retail bank.

- 6.14 The A1 use at this site has not yet been implemented. Therefore technically there will be no loss of retail space. Nonetheless, should the Council take the view that A1 space would be lost in this case, we consider that exceptional circumstances exist to warrant such a permission. The current state of the market, and predictions for the medium term future indicate that retail lettings will continue to slow. This unit is unlikely to be let in the short to medium term as demonstrated by the marketing evidence submitted with this application, and will stand empty. As this is such a busy area, this would have a damaging impact upon the perception of the area. At a time of such economic stability it is considered vital to prevent a negative view of the area in the eyes of the public and commercial users.

7.0 CONCLUSIONS

- 7.1 The approved development comprises a high quality, mixed use development of restaurant, retail, office and residential use. The scheme is due for practical completion in April 2009. This current planning application proposes a change to one of the uses, from A1 retail to A2 use, for Metro Bank.
- 7.2 The application complies with the Council's policy as it has been shown that exceptional circumstances exist in which a retail unit may be converted to another appropriate town centre use. Despite an extensive and thorough marketing exercise it has not been possible to secure a retail tenant for the approved retail area. It is evident that it is unlikely that a retail tenant will be secured in the short to medium term future, in which case the unit would remain vacant. A vacant unit at this high profile location will be perceived negatively and have a detrimental impact upon the area.
- 7.3 The proposed user of the space – Metro Bank – would be ideally suited to this retail area, and would complement the retail function. It would add to the amenity, vitality and viability of the area. There is a need for this service within this part of Tottenham Court Road, as banks and cash machines are currently not represented. This is a high profile location for such a use to complement the retail function as it is next to the underground station, where many people enter and leave the area. The retail use in this area would remain the dominant use and would not be affected by the change to this small unit.
- 7.4 In our view, this application complies with the Council's policy objectives of promoting the success of the Central London Frontages, providing a range of services, safeguarding the amenity of areas, ensuring a sequential approach to town centre uses, and protecting the vitality and viability of Central London Frontages. There is currently a severe shortage of banks and cash machines at this location to serve the workers, tourists and residents of Camden. We consider that the mixed use scheme at 264-267 Tottenham Court Road, and the wider area, would benefit significantly from the introduction of Metro Bank at this location. The benefits far outweigh the potential concerns the Council may have related to the loss of a retail unit. On this basis we request that the application be recommended for approval by the Local Planning Authority to safeguard the vibrancy of this key area.

Appendix A – Site Location and Existing Banks

