



# Planning *Statement*

*Hermes Real Estate Investment Management Ltd*

100 New Oxford Street (formerly Prospect House)

July 2014



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# 1 Introduction

1.1 This Planning Statement has been prepared by JLL Planning 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 ground floor of 100 New Oxford Street (formerly Prospect House, 80 – 110 New Oxford Street) from Class B1(a) (offices) to 2 x Class A1 (shops) units (No. 94 and 96) and 1 x Class A3 (restaurants and cafes) unit (No. 90 – 92) including associated new entrances (3 x fronting New Oxford Street and 1 x to the rear) and basement alterations for No. 90 – 92."*

1.3 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.

1.4 The details contained within this Planning Statement should be considered alongside all of the other documents comprising the planning application package (see below for details of the format of submission).

1.5 This Statement is structured as follows:

- Section 2 describes the site, its surroundings and the planning history;
- Section 3 explains the proposals;
- Section 4 summarises the relevant planning policy and material considerations;
- Section 5 sets out the planning analysis; and
- Section 6 provides the conclusions.

## Application Background

- 1.6 Hermes acts on behalf of Britel Fund Trustees Limited, which owns the freehold for 100 New Oxford Street (formerly Prospect House).
- 1.7 The Telecity Group ('Telecity') currently occupies the application site, which they use as a reception to their office space on the building's upper floors, and for meeting rooms. The lease with Telecity is soon due to expire, prompting Hermes to consider its letting prospects as part of its ongoing, wider review of how best to utilise 100 New Oxford Street. This reflects that the surrounding area is undergoing substantial transformation, largely as a result of infrastructure improvements at Tottenham Court Road station and major development coming forward such as St Giles Court. The introduction of Crossrail in 2018 is widely anticipated to have a significant regenerative effect on the area round Tottenham Court Road.<sup>1</sup> Partly in response to this, the London Borough of Camden recently consulted on a £26 million plan to improve the area's attractiveness and accessibility, particularly for pedestrians and cyclists.<sup>2</sup>
- 1.8 As a result of these ongoing changes, Hermes has invested considerably in the building during recent years so as to maximise its potential. This includes a refurbishment of the main office entrance, internal refurbishment to the office space, and subdivision of the ground floor retail unit (Class A1) previously occupied by Argos.
- 1.9 Planning permission was previously granted on 20 February 2014 for the application site for a change of use of ground floor B1(a) (office) to Class A1 (shop) (LPA Ref: 2013/7960/P). This subsequent planning application follows further discussions with retail agents as to retailer demand in this location. Agents have advised that while there is demand from A1 users, a lack of suitable premises for restaurants in the vicinity means that there is also high demand from A3 users. Hermes is keen to ensure that it maintains momentum for the building's high quality regeneration, enhancing the vitality and quality of this part of New Oxford Street and accommodating market demand as the area's character continues to evolve. It is for these reasons that a planning application for a change of use to Class A1 (two units) and Class A3 (one unit) is being submitted.

## Description of Development

- 1.10 Planning permission is sought for:

*"Change of use of ground floor of 100 New Oxford Street (formerly Prospect House, 80 – 110 New Oxford Street) from Class B1(a) (offices) to 2 x Class A1 (shops) units (No. 94 and 96) and 1 x Class A3 (restaurants and cafes) unit (No. 90 – 92) including associated new entrances (3 x fronting New Oxford Street and 1 x to the rear) and basement alterations for No. 90 – 92."*

## Format of Submission

- 1.11 The planning application comprises:
- Planning fee of £385;
  - Planning application form and ownership certificates;
  - Drawings:

<sup>1</sup> Winter 2013/14, Crossrail: The Impact on London's Property Market (Residential London, CBRE)

<sup>2</sup> 3 June 2014 London Borough of Camden 'Camden to transform Tottenham Court Road Area'  
<http://www.camden.gov.uk/ccm/content/press/2014/may-2014/camden-to-transform-tottenham-court-road-area.en?sessionId=39F77713F3ADB7B52B880BB9075B6656>

- Site plan Drawing No GA-EX-01 RevC;
  - Existing front and rear elevations Drawing No EL-EX-01;
  - Front elevation alterations Drawing No EL-PR-01-Rev1;
  - Rear elevation alterations Drawing No EL-PR-02-Rev2;
  - Existing ground floor layout Drawing No GA-Ex-02;
  - Existing basement layout Drawing No GA-BA-Ex;
  - Proposed basement layout Drawing No GA-BA-01-Rev4;
  - Ground floor layout plan multi retail use Drawing No GA-00-01-Rev4;
  - Existing and proposed retail façade Drawing No EX-01-01.
- Planning Statement, including appended agent letter from Nashbond.

## 2 The site, its surroundings and planning history

- 2.1 The application site comprises ground floor and basement floorspace currently in office use at 100 New Oxford Street. This totals approximately 626.8 sq m, split 538 sq m at ground and 99.8 sq m at basement with a street frontage of 25.6m. The property is located on the north side of the road, just east of the junction with Tottenham Court Road.
- 2.2 The application site forms part of 100 New Oxford Street (formerly Prospect House), a 7-storey building (plus two basements). The upper floors of the property are in office use while the remainder of the ground floor (excluding the application site) is a retail frontage, primarily in Class A1 use (Starbucks, Donelli, Kimchee, Artigiano, Joe & the Juice, Sally) but with one Class A4 use (All Bar One).
- 2.3 The property falls within the Bloomsbury Conservation Area but it is not listed. The rear of both The Bloomsbury Hotel (16 – 22 Great Russell Street) and Congress House (23 – 28 Great Russell Street) back onto Bainsbridge Street; these are Grade II and Grade II\* listed respectively. The property known as Burtons Headquarters and shop, and located at 118 – 132 New Oxford Street across Bainbridge Street, is also Grade II listed.
- 2.4 The site is excellently located in terms of access to public transport and has a PTAL of 6b. Tottenham Court Road, Holborn and Goodge Street underground stations are all within walking distance (140m, 541m and 673m respectively) and the property is well served by buses.
- 2.5 A Site Plan accompanies the planning application (Drawing No.GA-Ex-01\_RevC).

### **The surroundings**

- 2.6 This is a centrally located site, which sits within a frontage stretching between Bainbridge Street (west) and Dyott Street (east). Holborn is within walking distance to the east and Bloomsbury lies adjacent to its north.
- 2.7 Commercial uses predominate along New Oxford Street generally, typically comprising retail at ground floor with offices above.
- 2.8 The closest residential properties are located some distance away, across New Oxford Street in the mixed use development located at St Giles Court.

### **Planning History**

- 2.9 We have undertaken a desk-based search of London Borough of Camden's (hereafter referred to as "Camden" or "LBC") statutory planning register.

### **The application site**

- 2.10 Planning applications relating to 100 New Oxford Street, including the ground floor retail units, are summarised in Table 1 below.

Table 1: Planning history for 100 New Oxford Street (including ground floor retail)

LPA Reference & Applicant	Proposal	Status & Comments
<p>2013/7960/P</p> <p>Application site 100 New Oxford Street</p> <p>Hermes Real Estate Investment Management Ltd</p>	<p>Change of use of ground floor from Class B1(a) (office) to Class A1 (shop) along with installation of shopfront and new door to rear elevation</p>	<p>Granted 20 February 2014</p> <p>The application initially sought permission for dual use Class A1 / Class A3 but this was subsequently revised because Officers advised that A3 use would not be supported. The Officer's report is not available on the Council's online planning register.</p>
<p>2013/4452/TC</p> <p>Unit 106 (100 New Oxford Street, formerly Prospect House)</p> <p>Kimchee To Go</p>	<p>5 tables and 10 chairs Monday to Sunday 0900 to 2300</p>	<p>Granted 15<sup>th</sup> August 2013</p>
<p>2013/1884/P</p> <p>Unit 106 (100 New Oxford Street, formerly Prospect House)</p> <p>Wasabi Co Ltd trading as Kimchee To Go</p>	<p>Alterations to shopfront of existing retail unit (Class A1)</p>	<p>Granted 29<sup>th</sup> May 2013</p>
<p>2013/2346/A</p> <p>Unit 106 (100 New Oxford Street, formerly Prospect House)</p> <p>Wasabi Co Ltd trading as Kimchee To Go</p>	<p>Advertisement consent: installation of 1 x internally illuminated acrylic fascia sign and 1 x internally illuminated hanging sign to front elevation of existing retail unit (Class A1)</p>	<p>Granted 29<sup>th</sup> May 2013</p>
<p>2013/0619/P</p> <p>Unit 106 (100 New Oxford Street, formerly Prospect House)</p> <p>Wasabi Co Ltd trading as Kimchee To Go</p>	<p>Alterations to shopfront of existing retail unit (Class A1)</p>	<p>Withdrawn</p> <p>(validated 6<sup>th</sup> February 2013)</p>
<p>2013/0636/A</p> <p>Unit 106 (100 New Oxford Street, formerly Prospect House)</p>	<p>Advertising consent: installation of 1 x internally illuminated acrylic fascia sign and 1 x internally illuminated hanging sign to front elevation of</p>	<p>Withdrawn</p> <p>(validated 6<sup>th</sup> February 2013)</p>



LPA Reference & Applicant	Proposal	Status & Comments
Wasabi Co Ltd trading as Kimchee To Go	existing retail unit (Class A1)	
2012/5780/P  Hermes Real Estate Investment Management Ltd	Non-material amendment to Condition 3 (approved drawings) of planning permission dated 19/12/2011 (ref: 2011/5368/P) for installation of new windows, entrance doors and canopy at ground floor level to offices (Class B1), comprising lowering of canopy and narrowing of panelling.	Granted 6 <sup>th</sup> December 2012
2012/4955/A  Hermes Real Estate Investment Management Ltd	Advertisement consent: display of one non-illuminated sign above canopy on the front entrance (Class B1).	Granted 15 <sup>th</sup> November 2012
2012/2555/P  Unit 106 (100 New Oxford Street, formerly Prospect House)  Hermes Real Estate Investment Management Ltd	Installation of new entrance door at front elevation and creation of new door at rear ground floor elevation of dual use shop / financial and professional services (Class A1 / A2).	Granted 23 <sup>rd</sup> July 2012
2012/0416/P  Hermes Real Estate Investment Management Ltd	Variation of Condition 3 to alter the approved windows and glazing of planning permission 2011/5368/P dated 20/12/2011 for the installation of new windows, entrance doors and canopy at ground floor level to offices (Class B1).	Withdrawn  (validated 27 <sup>th</sup> January 2012)
2011/5368/P  Hermes Real Estate Investment Management Ltd	Installation of new windows, entrance doors and canopy at ground floor level to offices (Class B1).	Granted 19 <sup>th</sup> December 2011
2011/5087/P  Unit 106 (100 New Oxford Street, formerly Prospect House)  Hermes Real Estate Investment Management Ltd	Change of use of retail shop (Class A1) at the basement and ground floor to dual use Class A1 (shops) and Class A2 (financial and professional services).	Granted 16 <sup>th</sup> December 2011
PSX0204662/R3	Change of use of ground floor offices	Conditional approval granted 15th



LPA Reference & Applicant	Proposal	Status & Comments
Britel Fund Trustees Ltd	(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.	April 2003
PSX0205225 HCA International Ltd	The installation of two grills to the rear elevation at second floor level.	Conditional approval granted 11th 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 1st October 1998
PS9804726 Corston Holdings Ltd	Replacement of existing marble cladding to columns on ground floor with stone cladding.	Conditional approval granted 1st 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 8th 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 20th January 1995
PL/9201250/RI Zamora Ltd	Full and Conservation Area consent for the demolition of the 4th, 5th and 6th 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 7th 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 19th April 1988
P13/12/A/24355	Replacement of glass doors on the front elevation by timber doors.	Granted 27th April 1977

LPA Reference & Applicant	Proposal	Status & Comments
Department of the Environment Property Sources Agency		

## The surrounding area

2.11 The surrounding area is undergoing considerable transformation as a result of major infrastructure improvements and development coming forward. These include:

- *(1) LBC's West End Project*

In June 2014 LBC opened public consultation on its £26 million plan (known as the West End Project) to transform the Tottenham Court Road area into one of London's premier commercial, cultural and academic districts.

Traffic measures are proposed to reduce congestion and pollution, as well as wider pavements, new road crossings and new public spaces including a new pedestrianized plaza at the foot on Centre Point. The Council intends for the proposals to be completed by 2018 in time for the opening of Crossrail.

- *(2) TfL's redevelopment of Tottenham Court Road Station*

Planning permission was granted during 2009 and the upgrade is expected to complete in 2016, with Crossrail services scheduled to operate from 2018 (LPA Refs: 2009/5057/P, 2009/4445/P, 2009/4442/P).

On 19th April 2012, Westminster City Council granted planning permission, subject to London Mayoral approval and completion of a S106 Agreement, for over-site development proposals above the east and west ticket halls comprising offices, retail (1,130 sq m), a new theatre and residential units (Westminster Refs: 11/10055/FULL, 11/10045/FULL, 11/10043/FULL, 11/10044/CAC). A Decision Notice has yet to be issued.

- *(3) St Giles' Circus*

Planning permission was granted on 4th October 2006 for the redevelopment St Giles' Court on the High Street for mixed use development comprising offices (Class B1), retail (Class A1 and A3), community use (Class D1) and residential use (Class C3) (LPA Ref: 2005/0259/P).

This included 1,442 sq m of Class A1, 1,854 sq m of Class A3 and 66 sq m of Class A1 / Class D1 / non-residential institution. In her report, the Case Officer noted that the location was not recognised in the retail planning hierarchy but considered that the quantum of retail proposed would not have an adverse effect on the vitality and viability of the existing or surrounding area. She also referred to the changing character and considerable development underway in the Tottenham Court area, highlighting that this was anticipated to deliver 2,000 new jobs and 200 new homes into the area by 2016 and that there was likely to be considerable change in the area over the next ten years.

The permissions have been implemented and the development is now complete.

- *(4) Centre Point, 101 – 103 New Oxford Street*

Since 2005/2006 Centre Point at 101 – 103 New Oxford Street has undergone considerable refurbishment.

On 1 April 2014 Almacantar (Centre Point) Ltd was granted planning permission for new mixed use development for Centre Point, comprising residential (95 units) and retail (Class A1 / A3 / A4) uses, as well as associated refurbishment, servicing and access arrangements and parking (LPA Ref: 2013/1957/P, 2013/196/L).

- (5) *112 – 116 New Oxford Street*

The Council passed a resolution to grant planning permission, subject to a S106 Agreement, on 26 September 2013 for 6 x residential units in place of the offices occupying floor 2 – 6 and including a roof extension at 112 – 116 New Oxford Street (LPA Ref: 2013/0121/P). This property is located on the floors above the Starbucks which occupies the unit at 112 – 166 New Oxford Street, some distance from our client's application site, adjacent to Bainbridge Street.

A second application has since been submitted for a change of use to 9 residential units (LPA Ref: 2014/2511/P). This was validated on 8 April 2014, and has yet to be determined.

### 3 The proposals

- 3.1 The proposals only relate to the ground floor and part of the basement of the unit currently occupied by the Telecity Group. It provides the reception and meeting rooms which serve Telecity's offices on the building's upper floors, and the basement currently houses the recyclable waste storage zone.
- 3.2 Permission is sought for a change of use from office (Class B1(a)) to create 3 retail units totalling 626.8 sq m (99.8 sq m of this at basement level). This will be split as follows:
- Unit 1 (Class A1) 194 sq m;
  - Unit 2 (Class A1) 142 sq m; and
  - Unit 3 (Class A3) 191 sq m at ground and 99.8 sq m at basement.
- 3.3 The total frontage is circa 25.6 m.
- 3.4 The reception and meeting rooms would be relocated elsewhere within the existing office space, and the recyclable waste storage zone would be moved to another area of the basement, replacing two basement car parking spaces.
- 3.5 Any signage would be subject to a separate planning application for advertisement consent.
- 3.6 Each unit would be self-contained, with servicing from the rear via Bainbridge Street. New front and rear entrances are proposed: at the front new double doors would be set within the existing bronze panelled bays; and to the rear a new secure door would be inserted to ensure that each unit has its own separate rear access.

#### Design

- 3.7 Care has been taken to ensure that the design of the new entrances is not detrimental to the building's existing architectural features. To maintain consistency, the detailing of the new elements will match the existing retail entrances within the property and all materials and finishes will match the existing façade.

#### Servicing

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

#### Access

- 3.9 The new entrances off New Oxford Street will be wheelchair accessible and comply with Part M of Building Regulations.

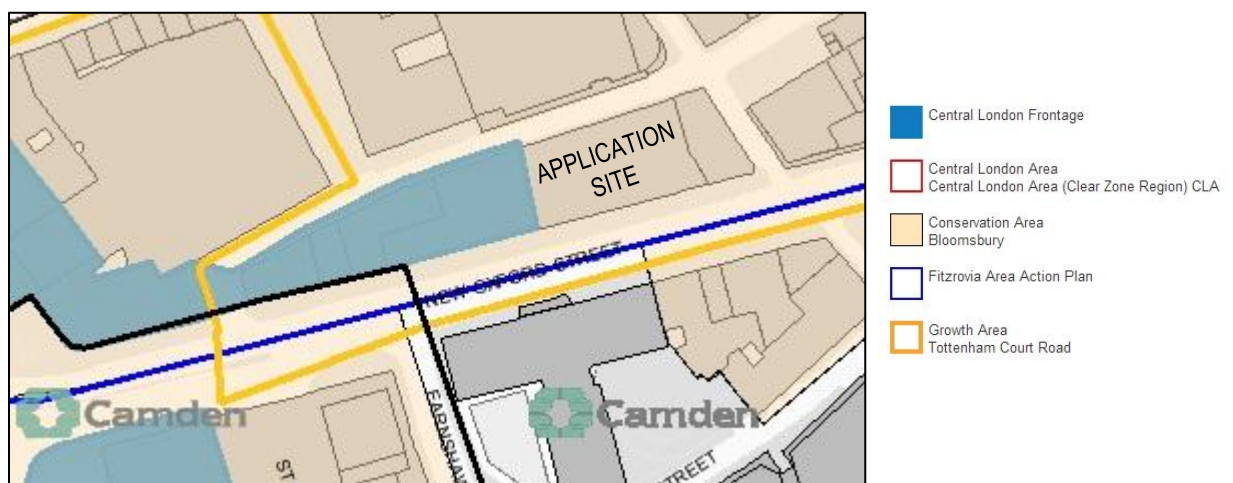
## 4 Relevant planning policy and material considerations

- 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 with Minor Alterations (2011, 2013), Camden's Core Strategy 2010- 2025 (November 2010) and accompanying Proposals Map (2010), the Camden Development Policies 2010- 2025 Development Plan Document (DPD) and Camden's Fitzrovia Action Area Plan (AAP, March 2014).
- 4.5 Regard should also be had to the Government's National Planning Policy Framework (NPPF, 2012), LBC's Camden Planning Guidance Town Centres, Retail and Employment CPG5 (September 2013) and the London Mayor's draft Further Alterations to the London Plan (January 2014).

### Site Designations

- 4.6 The application site falls within the Central Activities Zone (CAZ). It falls within the West End Special Retail Policy Area (WESRPA) and sits on the very edge of the Tottenham Court Road Opportunity Area.
- 4.7 It also falls within LBC's Central London Area, a Highly Accessible Area, the Bloomsbury Conservation Area and the area covered by the Fitzrovia Area Action Plan, but is not otherwise allocated for development. It sits on the edge of the Tottenham Court Road Growth Area and lies directly adjacent to LBC's Tottenham Court Road / Charing Cross Road Central London Frontage which part-covers the building.

(Figure A) Extract from Proposals Map



## National Planning Policy Framework (March 2012)

- 4.8 The National Planning Policy Framework (NPPF) sets out the Government's commitment to sustainable economic growth and requires Local Planning Authorities (LPA) to approach decision-making positively and proactively. LPAs are thus expected to apply the presumption in favour of sustainable development.

### Retail

- 4.9 As per para 24, LPAs should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Such uses are directed to town centres in the first instance, followed by edge-of-centre locations with preference given to accessible sites that are well connected to the town centre.
- 4.10 Applicants are also required to undertake an impact assessment for retail development outside town centres if not in accordance with an up-to-date Local Plan and if the proposal exceeds a locally set floorspace threshold (the default threshold is 2,500 sq m).
- 4.11 Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on town centre vitality or viability it should be refused.

### Heritage

- 4.12 With regard to the historic environment, the Framework stipulates that the weight attached to the importance of a heritage asset should be proportionate to the significance of that asset. Applicants are encouraged to describe this significance, including any contribution made by their setting.

## The London Plan (2011)

### Central Activities Zone (CAZ)

- 4.13 Policy 2.10 seeks to enhance and promote the CAZ as one of the world's most attractive and competitive business locations. The London 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.
- 4.14 Under Policy 2.11 the London Mayor seeks to identify, enhance and expand retail capacity within the CAZ to meet strategic and local need. He is also committed to preparing a planning framework for the West End Special Retail Policy Area (WESPRA). Para 2.47 further highlights the importance of improving the quality and public realms in the Tottenham Court Road area covered by WESPRA, stating that "*planning policy should continue to support the area's future as a retail and leisure district of national, city-wide and local importance, focussing particularly on...optimising the benefits from Crossrail*".

### Tottenham Court Road Opportunity Area

- 4.15 As set out in Policy 2.13 the London 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 (the London Mayor's draft Further Alterations proposes to increase this to a minimum of 500 new homes). Emphasis is also placed on its strategic retail role in relation to both the West End Special Retail Policy Area (WESRPA) and local needs.

## Retail

- 4.16 Policy 4.7 sets out the London Mayor's approach to retail development and directs this to town centres in the first instance, followed by edge-of-centre locations that are, or can be, well integrated within the existing centre and public transport.
- 4.17 Policy 4.8 highlights the London Mayor's support for a successful, competitive and diverse retail sector which promotes sustainable access to the goods and services that Londoners need.

## Design

- 4.18 LP Policy 7.4 expects development to provide a high quality design response that allows existing buildings that make a positive contribution to the character of a place to influence the future character of the area and is informed by the surrounding historic environment.

## Heritage

- 4.19 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

### LBC's Core Strategy 2010- 2025 (November 2010)

## Central London

- 4.20 Policies CS1 and CS3 promote appropriate development, including retail, in highly accessible locations, particularly Central London. The emphasis is on using land and buildings efficiently, seeking development which makes full use of sites taking into account considerations like surroundings, sustainability and transport accessibility. Central London is noted as a suitable location for the provision of shops, food and drink uses.
- 4.21 Policy CS9 supports and promotes the Central London Area as a successful and vibrant part of the capital to live in, work in and visit. It is this area which is the focus of the Borough's future growth in homes, offices, hotels, shops and other uses. Amongst other things, the policy states that the Council will take into account the specific identity of the areas within Central London when determining planning applications, as well as manage the location and concentration of food, drink and entertainment uses and their impact.

## Tottenham Court Road Growth Area

- 4.22 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 upgrade to Tottenham Court Road Underground Station and introduction of Crossrail from 2017/18.

## Retail

- 4.23 Policy CS7 sets out the Council's approach to retail growth within the Borough. It seeks to promote successful and vibrant centres, with additional provision in the growth areas of Tottenham Court Road and Holborn, as well as Central London Frontages where opportunities emerge. A sequential approach will otherwise be applied to retail and other town centre uses outside of these areas, to support Town Centres, Central London Frontages and Neighbourhood centres.



- 4.24 The policy further seeks to provide a range of shops, food, drink and other suitable uses to provide variety, vibrancy and choice. Food and drink uses will be focused in Camden's Central London Frontages and the Council will seek to ensure that such uses do not have a harmful impact on residents and the local area.
- 4.25 The supporting text anticipates that the growth areas of Tottenham Court Road and Holborn will accommodate much of the Borough's retail requirement which is not delivered in King's Cross, Euston and Camden Town. At Tottenham Court Road and Holborn, the redevelopment of existing buildings will enable the provision of new retail, in particular at ground floor level.
- 4.26 Food and drink uses are noted as being most appropriately located in commercial areas to minimise their impact on the amenity of local residents.

## **LBC's Development Policies 2010- 2025 Development Plan Document (November 2010)**

### **Employment**

- 4.27 Policy DP13 resists a change of use to non-business uses unless it can be demonstrated that a site is no longer suitable for its existing business use and there is evidence that retaining the site for similar or alternative business use has been fully explored over an appropriate period of time.

### **Retail**

- 4.28 Policy DP12 builds on Core Strategy Policy CS7 and explains LBC's approach to retail development in the Borough. It seeks to ensure that the development of shopping, food and drink does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours. The policy states that consideration will be given to several factors, including:
- The effect of non-retail development on shopping provision and the character of the centre in which it is located;
  - The cumulative impact of food, drink and entertainment uses taking into account the number and distribution of existing uses and non-implemented planning permissions, and any record of harm caused by such uses;
  - The impact of the development on nearby residential uses and amenity, and any prejudice to future residential development;
  - Parking, stopping and servicing, noise and fumes, including the potential for effective and unobtrusive ventilation.
- 4.29 Para 12.5 recognises that new shops and food and drink uses can add to the vitality and vibrancy of Camden's centres and local areas, but will seek to guide such uses to locations where their impact can be minimised. It adds that sequential assessment will be required where appropriate.
- 4.30 Para 12.6 states the Council will not grant planning permission for development that it considers would cause harm to the character, amenity, function, vitality and viability of a centre or local area, stating that harm is caused when an impact is at an unacceptable level in terms of "...trade/turnover, vitality and viability, the character, quality and attractiveness of a centre, levels of vacancy, crime and anti- social behaviour, the range of services provided and a centre's character and role in the social and economic life of the local community". It further adds that the Council will consider the cumulative impact of additional shopping floorspace (whether in a centre or not) on the viability of other centres, and the cumulative impact of non-shopping uses on the character of the area.

### Approach to managing development

4.31 Policy DP26 lists the factors that LBC will take into consideration when determining the impact of development to amenity. This includes:

- Visual privacy and overlooking;
- Overshadowing and outlook;
- Sunlight, daylight and artificial light levels;
- Noise and vibration levels;
- Microclimate;
- The inclusion of appropriate attenuation measures.

### Conservation Areas

4.32 Policy DP25 relates to Conservation Areas and stipulates that the Council will, amongst other things:

- Take account of Conservation Area statements, appraisals and management plans when assessing applications within Conservation Areas; and
- Only permit development within Conservation Areas that preserves and enhances the character and appearance of the area.

### Fitzrovia Area Action Plan (March 2014)

4.33 The application site sits on the fringes of the area covered by the Council's Fitzrovia Area Action Plan (AAP, March 2014). It is not specifically identified on the Key Diagram, although the whole building (80 – 110 New Oxford Street) is considered a positive contributor to the conservation area.

4.34 Policy F1 outlines the Council's intention to adopt a positive approach to development proposals within the boundary of the Fitzrovia Area Action Plan that reflects the presumption in favour of sustainable development enshrined in the NPPF.

4.35 The document recognises that Crossrail will be a major driver of commercial development in the area, as well as attract additional visitors, businesses and alter pedestrian movements. Major junction remodelling is proposed for the intersection of Tottenham Court Road, Oxford Street, Charing Cross Road and New Oxford Street.

4.36 Principle 5 seeks to guide development of food and drink uses to the Central London Frontage on Tottenham Court Road and New Oxford Street, except those the Council considers to be small scale and low impact. The Council's chief concern in relation to such uses relates to the individual and cumulative impact on residential amenity.

### Bloomsbury Conservation Area Appraisal and Management Strategy (2011)

4.37 The Bloomsbury Conservation Area Appraisal and Management Strategy (2011) identifies the key management issues for the Bloomsbury Conservation Area. It is a material consideration in determining relevant planning applications.

- 4.38 The application site falls within Sub Area 8: New Oxford Street/High Holborn/Southampton Row. This is noted as being predominantly in commercial use, with a range of shops, banks, offices, hotels and theatres.
- 4.39 The Appraisal describes the part of New Oxford Street in which the application site sits as being characterised by larger scale early 20<sup>th</sup> century commercial buildings.

### **Camden Planning Guidance 5 Town Centres, Retail and Employment (September 2013)**

- 4.40 This document supports policies set out in the Council's Local Development Framework (LDF) and is a material consideration in planning decisions. It establishes LBC's approach to retail uses within the Borough.
- 4.41 Camden's growth areas and town centres are the main focus for new shops. Where new retail uses are proposed outside the areas listed in Core Strategy Policy CS7, the Council will take a sequential approach, having regard to site suitability, retail growth, distribution, the existing retail hierarchy and CS Policy CS7.

### **Central London Area**

Within the Central London Area, the Council seeks to maintain its mixed use character, protecting its retail function and maintaining specialist uses. The area's importance in providing the Borough's vibrancy, diversity and identity is recognised, set within the context of London's Central Activities Zone (CAZ).

### **Central London Frontage**

- 4.42 Para 4.7 acknowledges that there are small 'gaps' between parts of the Central London Frontages, where new development will be expected to contain appropriate ground floor uses to create more cohesive shopping areas.
- 4.43 Para 4.8 further notes that in some locations there are scattered commercial premises that are considered potentially suitable for the expansion of a Central London Frontage on New Oxford Street. It states that planning permission will be granted for some expansion of an appropriate mix of commercial facilities, although the Council will ensure that development does not cause harm to residential amenity.
- 4.44 Central London Frontages are considered generally appropriate locations for new food, drink and entertainment uses as they have good public transport provision and are busy, commercial streets with limited residential development. Consent will not be granted for proposals that the Council considers would cause harm to the vitality and viability of the area.

### **Food and drink uses**

- 4.45 LBC seeks to locate food, drink and entertainment uses in areas where their impact can be minimised, with consideration given to the potential impacts on local amenity, the character and function of the area and its overall mix of uses. The emphasis is on considering the impacts on a case-by-case basis, taking into account the site and the character of the surrounding area.

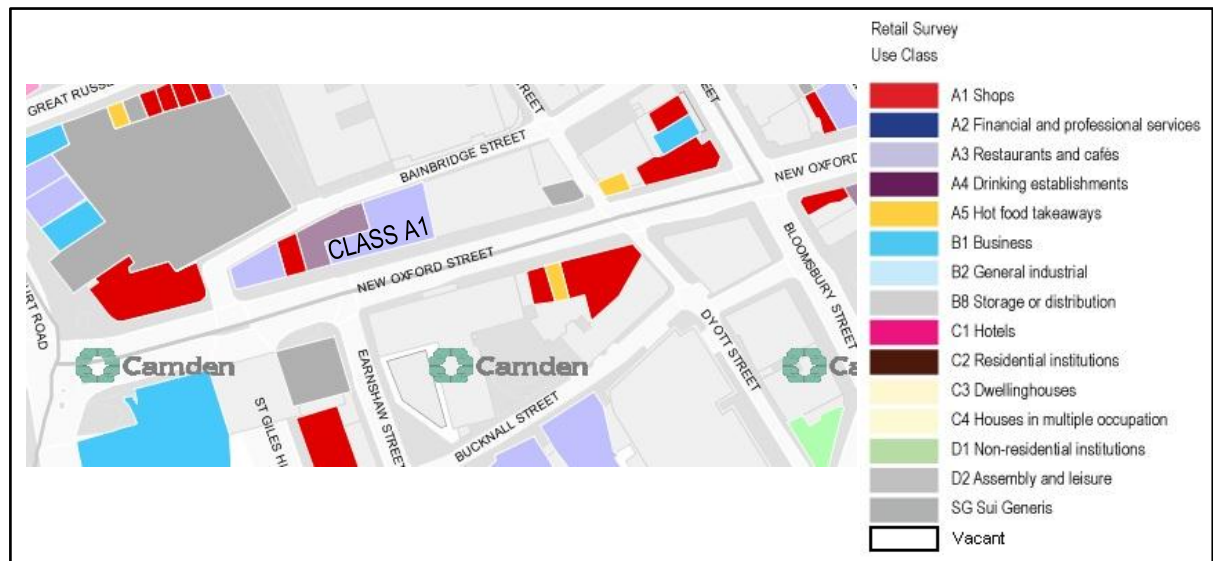
### **Tottenham Court Road and New Oxford Street frontage**

- 4.46 The Tottenham Court Road and New Oxford Street Central London Frontage is noted for its concentration of furniture / home furnishings and electrical goods shops of London-wide significance, intermingled with High Street multiples, food, drink and entertainment uses.

We are aware that the Council has recently published its 2013 Retail Survey. An extract is included below (Figure B). While this shows the existing retail units within 100 New Oxford Street to be in Class A3 use, this is

incorrect as these units are in Class A1 use (as per planning permission 2013/7960/P- see Section 2 above for details).

(Figure B): Extract from Camden's 2013 Retail Survey



### Holborn Central London Frontage

- 4.47 Holborn Central London Frontage is described as being located in an area dominated by office development, with large office entrances often breaking up the continuity of shop premises. These are characterised by High Street multiples and convenience stores.

### Fitzrovia Area Central London Area

- 4.48 The application site and Tottenham Court Road Central London Frontage also sit within the Fitzrovia Area Central London Area. The Council notes that food, drink and entertainment uses are an important part of the mixed use character of the area, and that these uses add to its viability and vitality and extend activity into the evenings and weekends.

### Area-Based Guidance

- 4.49 Camden has published several documents setting out area-based guidance for sites located close to the application site. 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.

The Framework 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.

The Brief 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.

The Brief 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.

The Brief 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**

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

- National policy strongly 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. These Areas are identified for significant development, comprising 5,000 new jobs and 420 new homes (minimum, with proposals to increase the minimum quantum of housing to 500). 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.
- Area-based guidance has sought to guide development on several sites in close proximity to the application site. 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.
- The application site sits adjacent to identified Central London Frontage. While Camden applies a sequential approach to retail and other town centre uses outside identified areas (Core Strategy Policy CS7), the recently published CPG5: Town Centres, Retail and Employment (September 2013) also recognises that there are small 'gaps' between Central London Frontages where appropriate ground floor uses are expected to create

more cohesive shopping areas. New Oxford Street is specifically identified as potentially suitable for the expansion of a Central London Frontage.

- Policy directs food and drink uses to commercial areas so as to minimise their impact on residential amenity.

## 5 Planning analysis

5.1 This section considers the key issues relating to the proposals 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) Retail uses in this location;
- (2) The limited impact on residential amenity for retail uses in this location;
- (3) Design, including the impact on the Bloomsbury Conservation Area and nearby listed buildings; and
- (4) Parking and servicing.

### **(1) Retail uses in this location**

#### **The acceptability of the change of use from office (Class B1(a))**

5.3 The Council granted planning permission on 20 February 2014 for a change of use for the ground floor of the application site from Class B1(a) to Class A1 use (LPA Ref: 2013/7960/P). It also previously supported a change of use from Class B1 to Class A1 in April 2003 (LPA Ref: PSX0204662/R3). These planning permissions are indicative of the Council's approach, namely that the loss of office floorspace is deemed acceptable in principle in this location.

5.4 It should also be noted that the application site is used primarily as a reception to the Telecity Group's office space on the building's upper floors, and for meeting rooms. The main office employment uses therefore take place on the upper floors of the building and these are not affected by the proposed change of use. The proposal will enable 100 New Oxford Street (formerly Prospect House) to be used more intensively- the existing office use will be retained on the upper floors and new, additional jobs will be created by bringing the ground floor into retail use in place of the current reception and meeting rooms.

5.5 We therefore consider that the proposed change of use from office is acceptable in planning policy terms.

#### **The principle of retail uses (Class A1 and Class A3) in this location**

5.6 We consider the individual merits of Class A1 and Class A3 in this location below. By way of a general point, however, this is a centrally located site to which planning policy encourages retail provision and growth, including both shops and food and drink uses (London Plan Policies 2.10, 2.11, Core Strategy Policies CS1, CS3, CS7, CS9). The application site sits inside the Central Activity Zone (CAZ), West End Special Retail Policy Area (WESRPA), Tottenham Court Road Opportunity Area and Camden's Central London Area.

5.7 The site is highly accessible, with a PTAL of 6b, and within easy walking distance of Oxford Street and Tottenham Court Road. It sits within an established retail frontage between Bainbridge Street (west) and Dyott Street (east) and lies immediately adjacent to designated Central London Frontage which part covers the building and extends from Tottenham Court Road along New Oxford Street (see the extract from the Proposals Map para 4.7 above). New Oxford Street generally is characterised by retail uses (Class A1, A2 and A3) at ground floor with offices above, and the part of it closest to Holborn (circa 0.3 miles from the application site) is, like the western end of the street, also designated as Central London Frontage.



- 5.8 The Council's Camden Planning Guidance 5 Town Centres, Retail and Employment (September 2013) acknowledges that there are small 'gaps' between parts of the Central London Frontages, where new development will be expected to contain appropriate ground floor uses to create more cohesive shopping areas (para 4.7). The document also notes that there are scattered commercial premises that are potentially suitable for the expansion of a Central London Frontage on New Oxford Street (para 4.8). The retail proposed for the application site will help to deliver these aspirations. It will bring underutilised floorspace into active use, creating additional jobs and complementing other retail and town centre uses within the vicinity.
- 5.9 While in policy terms this is an edge-of-centre site, the Council permitted a change of use for the application site to Class A1 in February 2014 without requiring a formal sequential test to be completed (LPA Ref: 2013/7960/P). We consider that this is indicative of the important material considerations that should be taken into account when determining the proposed change of use.
- 5.10 This is an area where significant growth is both focused and expected, largely as a result of infrastructure improvements such as the upgrading of Tottenham Court Road station (expected to complete in 2016) and introduction of Crossrail (due to be operational by 2018). Major new development has already come forward, for example at St Giles Court, and more is anticipated including at Denmark Place, the former Post Office site on New Oxford Street and the conversion of Centre Point. The area's residential and working populations are thus set to increase. Indeed, the Tottenham Court Road Opportunity Area / Growth Area is already targeted for 5,000 new jobs and a minimum of 420 – 500 new homes (London Plan Policy 2.13, Core Strategy Policy CS2, Draft Further Alterations to the London Plan). The proposed change of use will therefore add to area's growing vibrancy and activity, serving an important function in supporting the needs of local residents, businesses and the community.

#### **The principle of Class A1 use in this location**

- 5.11 As noted above, the Council has permitted Class A1 use at the application site, most recently granting planning permission for a change of use from offices on 20 February 2014 (LPA Ref: 2013/7960/P) and prior to this in April 2003 (LPA Ref: PSX0204662/R3).
- 5.12 This proposal includes the creation of 2 x Class A1 units, totalling 336 sq m and split 194 sq m (Unit 1) and 142 sq m (Unit 2). The February 2014 permission was for 538 sq m.
- 5.13 The proposed units will be located on the eastern side of the building's office entrance. Three existing Class A1 units, occupying the former Argos, are already located at the ground floor to the west of the office entrance (the subdivision was granted on 23 July 2012 as part of a dual use Class A1 / A2 permission, LPA Ref: 2012/4955/A).
- 5.14 There have been no changes since February 2014, either to the development plan or in material circumstances, which we consider would warrant a refusal for Class A1 use.
- 5.15 We therefore consider that Class A1 use accords with the relevant development plan.

#### **The principle of Class A3 use in this location**

- 5.16 This proposal is to create 1 x Class A3 unit totalling 290.8 sq m, split 191 sq m at ground and 99.8 sq m at basement.
- 5.17 The Core Strategy notes that food and drink uses are most appropriately located in commercial areas to minimise their impact on residential amenity. While, as explained above, the area is the focus for both residential and commercial growth, there are no residential properties in the application site's immediate vicinity.

The closest residential units are at St Giles Court, across New Oxford Street. Should planning permission be issued for the residential proposals at 112 – 116 New Oxford Street (LPA Refs: 2013/0121/P, 2014/2511/P), then these units will still be located some distance from the proposed Class A3 unit, above the Starbucks adjacent to Bainbridge Street. The application site is therefore ideally located for A3 use.

- 5.18 Furthermore, and as shown on Figure C in Appendix 2, the bulk of the existing retail units in the frontage are in Class A1 use. All bar One is the only exception (Class A3). Any cumulative impact of Class A3 uses is therefore minimal.
- 5.19 There are also important market considerations to be taken into account.
- 5.20 Retail agents have advised that while there is demand from A1 users, a lack of suitable premises for restaurants in the vicinity means that there is also high demand from A3 users. In Appendix 1, we include a letter from Andrew Bond, retail agent and Director at Nashbond. He notes the significant scope for the area's retail market because of Crossrail, and the growing demand from quality retailers. He further notes that there is a shortage of space, particularly for Class A3 occupiers, highlighting the attractiveness of the application site for restaurant occupiers because of its location on the very fringes of the prime retail located along Tottenham Court Road and within easy reach of the business and residential populations working along New Oxford Street and living in St Giles Circus. He refers to considerable interest from quality restaurant occupants including Grain Store, Salt Yard, Hawksmoor, Iberica, Dishoon, Pollen Street Social and Gail's Kitchen. The message, therefore, is that there is considerable demand for A3 use in this location.
- 5.21 Planning policy actively supports and encourages viable development. The Government's National Planning Policy Framework (NPPF, September 2012) requires LPAs to adopt a positive and constructive approach to economic development, placing great emphasis on the need to secure sustainable economic growth. Similarly the London Plan emphasises the need for a successful, competitive and diverse retail sector (LP Policy 4.8), and Camden's local policies look to support and promote the Central London Area of Camden as a successful and vibrant part of the capital to live in, work in and visit (CS Policy CS7).
- 5.22 Given the above, we are of the view that the principle of A3 use accords with relevant planning policy.

## **(2) The lack of impact on residential amenity for retail uses in this location**

- 5.23 To reiterate, New Oxford Street is predominantly commercial in nature and there are no residential uses adjacent to the application site. Retail use (Class A1 and Class A3) in these self-contained, ground floor units would not result in overlooking, loss of privacy or an increase in noise or disturbance to neighbouring properties.
- 5.24 The design of the existing building would remain unchanged, beyond the introduction of new entrances within the existing bays in materials that match the existing façades.
- 5.25 With regard to ventilation for the Class A3 use, there is scope for this to be accommodated within the existing generator flue which discharges at roof level. This would be confirmed with the occupier, and a separate planning application would be submitted for any proposed alterations to the building's exterior.
- 5.26 Given the above, we do not consider that the proposed change of use will have any additional impact on amenity and therefore that it accords with relevant planning policy.

## **(3) Design, including the impact on the Bloomsbury Conservation Area and other heritage assets**

- 5.27 The proposed change of use necessitates the introduction of new front and rear access. Three new sets of double doors are proposed for the front elevation, within the existing bronze panelled bays, and a new secure

access and fire escape door is proposed to the rear of the building. The detailing of the new elements will match the existing retail entrances and all materials and finishes will match the existing façades.

- 5.28 Care has been taken to ensure that the proposals are of the highest architectural quality and are not detrimental to the existing elevations, Bloomsbury Conservation Area or nearby listed buildings.
- 5.29 The new entrances will be wheelchair accessible and comply with Part M of Building Regulations.
- 5.30 This approach adheres to relevant design policies (LP Policies 7.4 and 7.6, CS Policy CS14).
- 5.31 Any signage would be subject to a separate application for advertisement consent.
- 5.32 The proposals therefore accord with relevant plan policy.

#### **(4) Parking and Servicing**

- 5.33 No parking is currently provided for the application unit and none is proposed as part of this planning application.
- 5.34 The site is extremely well located in terms of access to public transport, with a PTAL of 6b. It has excellent accessibility, with a PTAL of 6b and is within walking distance of Tottenham Court Road, Holborn and Goodge Street underground stations in addition to being served by numerous buses.
- 5.35 Servicing will continue to be from the rear of the unit, via Bainbridge Road. This is a quiet, underused road.
- 5.36 The proposal therefore accords with relevant plan policy.

## 6 Conclusion

- 6.1 The proposed change of use to create two shops (Class A1) and one restaurant (Class A3) seeks to deliver active, retail use along New Oxford Street. 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 This is an area undergoing significant transformation, largely as a result of Crossrail and the policy focus on substantially increasing the number of jobs and homes in the Tottenham Court Road Opportunity Area / Growth Area. The proposal will further add to the area's vitality and vibrancy, supporting the anticipated increases in the working and residential populations.
- 6.3 The proposals do not affect the existing office use and will bring the ground floor into active use, creating additional jobs and allowing the building's existing envelope to be used more efficiently. Input from retail agents and potential retailers indicates that there is considerable demand for both Class A1 and Class A3 use in this central location, and planning policy supports and encourages ground floor retail including food and drink uses along New Oxford Street and in Central London.
- 6.4 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.

# Appendix 1 – Nashbond letter

Ms C Harper  
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W1B 5NH

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Email: [abond@nashbond.co.uk](mailto:abond@nashbond.co.uk)

Our ref: MS310714AB  
Your ref:  
Date: 31 July 2014

Dear Madam / Sir

**100 New Oxford Street (formerly Prospect House): Change of use at ground floor from office to 2 x shops (Class A1) and 1 x restaurant (Class A3)**

I write in respect of the above planning application and in my capacity as a retail agent and Director at Nash Bond. I have 25 years' experience, specialising in West End retail agency. I have advised Hermes Real Estate Investment Management Ltd on its property at 100 New Oxford Street since 2010.

During this time the retail market in the Tottenham Court Road area has changed considerably, and we anticipate that this transformation will continue in anticipation of Crossrail opening in 2018. Research indicates that of all the Crossrail stations, the impact of it opening at Tottenham Court Road will have one of the biggest regenerative impacts experienced within London. The scope for the retail market is significant.

Whereas in the past this part of the West End has not tended to attract the quality retailers typically seen on both Regent and Oxford Street, there is now considerable demand from quality retailers along New Oxford Street.

There is however a shortage of such space, particularly for restaurant (Class A3) occupiers. Restaurants are increasingly accepted as generating the footfall and activity needed to create attractive, vibrant places. Moreover, restaurant occupiers find my client's site particularly attractive because of its location on the very fringes of the prime retail located along Tottenham Court Road, and within easy reach of the business and residential populations working along New Oxford Street and living in St Giles' Circus.

I can confirm, therefore, that there is considerable interest from quality restaurant occupants including Grain Store, Salt Yard, Hawksmoor, Iberica, Dishoon, Pollen Street Social and Gail's Kitchen and ask that this market consideration is taken into account when determining the proposed change of use at the property.

Yours sincerely



**ANDREW BOND**

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