

Address:	Weve Ltd Prospect House 100 New Oxford Street London WC1A 1HB		13
Application Number:	2014/5205/P	Officer: Nanayaa Ampoma	
Ward:	Bloomsbury		
Date Received:	08/08/2014		
Proposal: Change of use at ground floor from offices(B1) to 2 x retail shops(A1) at 94-96 New Oxford street and restaurant and/or cafe(A3) at ground floor and basement level at 90-92 New Oxford Street and shopfront alterations.			
Drawing Numbers: OS Plan GA-EX-01, Basement plan proposed GA-BA-01 Rev 5 (dated 24/11/2014), Basement plan existing GA-BA-EX, Ground floor proposed plan GA-00-01 Rev 5, Existing ground floor layout GA-EX-02, Retail entrance sections EX-01-01, Bainbridge street elevations EL-PR-02 Rev 2, Front elevations proposed EL-PR-01 Rev 1, Front and rear elevations EL-EX-01, Planning Statement, Rear Elevation: Bainbridge Street			
RECOMMENDATION SUMMARY: Grant Conditional Planning Permission			
Applicant:		Agent:	
Hermes Real Estate Investment Management Ltd c/o agent		JLL 30 Warwick Street London W1B 5NH	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	B1a Sui Generis	Business - Office	626.8m ²
Proposed	A1 Shop A3 Restaurants and Cafes		435.8 m ² 191m ²

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	9	0
Proposed	8	0

OFFICERS' REPORT

Reason for Referral to Committee: The application is reported to committee as the development involves the change of use to Class A3 [Clause 3(iv)].

1. SITE

- 1.1 The application site relates to a large mixed use building on New Oxford near Tottenham Court Road. At ground floor much of the overall property is given over to café and bar uses such as All Bar One, Starbucks, Artigiano and Joe and the Juice. However these only occupy the ground floor of the west wing of the property. On the eastern side of the building there are no active frontages by way of shop displays or advertisement. The upper floors of the property are used for B1(office) use. Across from the site on the south side of New Oxford Street are other mixed uses such as shops, hairdressers, offices and clubs. However there are some residential properties within 50 metres of the site.
- 1.2 Although the property is known as 100 New Oxford Street, Prospect House, it encompasses many addresses and properties. The current application specially relates to the ground and basement levels of nos.90-96 New Oxford Street.
- 1.3 The property is in the unusual position of having half of its frontage identified as falling within the Primary Shopping frontage of Tottenham Court Road and the other half being outside it. The area the subject of this application falls outside of the Primary Shopping Frontage. However it is within the Central London Area.
- 1.4 The application site was most recently occupied by the Telecity Group, who used it for reception and meeting rooms (serving the main office use above). However due to a recent refurbishment of the whole building the reception has moved (see application 2011/5368/P) and the site the subject of this application, has been vacant.
- 1.5 The application falls within the Fitzrovia Central London area and is also within the Bloomsbury Conservation Area. However it is not listed.

2. THE PROPOSAL

- 2.1 The application proposes three new commercial units at ground floor and basement level. At ground floor two retail shops are proposed with a floor space of 142 and 194 square metres respectively. The third unit would be over ground and basement floors with a proposed use as a restaurant and café with an internal floor space of 290.8 square metres.
- 2.2 The application also proposes to make shopfront alterations to the front of the property including the creation of three new entrance areas.

3. RELEVANT HISTORY

- 3.1 *100 New Oxford Street – Prospect House*

2013/7960/P : Change of use of ground floor from Class B1a (office) to Class A1 (shop) along with installation of shopfront and new door to rear elevation. - **Granted 16-12-2013**

- 3.2 **PS9804726:** Replacement of existing marble cladding to columns on ground floor with stone cladding, as shown by 3 photographs and O.S extract. – **Granted 03-08-1998**

4. **CONSULTATIONS**

Statutory Consultees

- 4.1 A site notices was displayed at the property for a period of 21 days between 5/9/2014 to 02/10/2014. A Press Notice was also placed in the Ham and High.
- 4.2 Adjoining neighbours have been notified. No neighbour comments have been received.

Conservation Area Advisory Committee

- 4.3 The application site is within the Bloomsbury Conservation Area however no comments have been received from the local CAAC

Local Groups

- 4.4 A letter of support has been received by InMidTown. These comments are detailed below:
- *There is substantial demand coming forward for further A3 uses in the area, which will also add value and interactive frontages to the proposed Camden West End project currently being consulted on.*
 - *The proposal involves no loss of an existing A1 use and there are no nearby residential properties, and I note that the principle of the change of use away from B1 has been accepted in the unimplemented consent 2013/7960/P.*
 - *The provision of A3/A1 space will create an interactive frontage bringing substantive planning gains to the area adding vitality and contributing to the night time economy in an area with little or no residential accommodation and therefore ideally suited to the use.*
 - *In this context, the Inmidtown BID priorities for the area, to enhance commercial viability, help the realization of full economic potential, and make Bloomsbury, Holborn and St Giles a quality environment in which to work and live, will be enhanced and we would support the current application.*

Adjoining Occupiers

Original	
Number of letters sent	26
Total number of responses received	1

<i>Number in support</i>	1
<i>Number of objections</i>	0

5. **POLICIES**

5.1 **LDF Core Strategy and Development Policies**

Core Strategy (2010)

CS7 Promoting Camden's centres and shops

CS8 Promoting a successful and inclusive Camden economy

CS9 Achieving a successful Central London

CS14 Promoting high quality places and conserving our heritage

Development Policies (2010)

DP10 Helping and promoting small and independent shops

DP12 Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses

DP13 Employment sites and premises

DP16 The transport implications of development

DP24 Securing high quality design

DP25 Conserving Camden's heritage

DP26 Managing the impact of development on occupiers and neighbours

DP30 Shopfronts

5.2 **Supplementary Planning Policies**

CPG 1 Design (2014)

CPG 5 Town Centres, retail and employment (2013)

CPG 6 Amenity (2011)

CPG 7 Transport (2011)

Fitzrovia Area Action Plan (2014)

Bloomsbury Conservation Area (2011)

6. **ASSESSMENT**

6.1 The principle considerations material to the determination of this application are summarised as follows:

- Principle of change of use
- Principle of A3 use
- Design
- Impact on Amenity
- Transport

6.2 *Principal of Change of Use*

6.3 The 2013 application gave permission for the change of use of the ground floor from offices to retail uses. This current application only differs in respect of the café/restaurant element at ground floor and basement. The principle of the change of use from offices to retail is established and the new material consideration in this case is the assessment of the currently proposed restaurant and café use against policies CS7 and DP12.

6.4 *Principle of A3 use*

6.5 Policy DP12 of the Development Policies looks to protect the vitality of Town Centres by controlling the development of shopping, services, food, drink, entertainment and other town centre uses that may cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours. One of the main concerns of this policy is the cumulative effect of too many food and entertainment uses. Under policy DP12 the Council when assessing applications of this nature will consider the following:

- a) the effect of non-retail development on shopping provision and the character of the centre in which it is located;
- b) 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;
- c) the impact of the development on nearby residential uses and amenity, and any prejudice to future residential development (*see section titled Amenity*);
- d) parking, stopping and servicing and the effect of the development on ease of movement on the footpath (*see section titled Highways*);
- e) noise and vibration generated either inside or outside of the site (*No music is proposed as such, however please see section titled Amenity for more details on noise*);
- f) fumes likely to be generated and the potential for effective and unobtrusive ventilation (*see section titled Amenity*);
- g) the potential for crime and anti-social behaviour, including littering (*this is not considered relevant to the current application as no uses specifically identified as being related to such behaviours are proposed. For example, no pubs or 24hour takeaways are proposed as part of the current application*);

6.6 The Council recognises the importance of food and entertainment uses. However, they can also have other implications such as diverting trade and displacing existing town centre functions, as recognised by policy CS7 of the Core strategy. As a result, the Council will seek to guide such uses to locations where their impact can be minimised and maintain a high percentage of retail(A1) uses.

6.7 CPG 5 (p.54) states that “*New food, drink or entertainment uses outside of the primary and secondary frontages are **likely** to cause harm to the residential amenity and **generally** will not be granted*”. Notwithstanding this, the Fitzrovia Area Action Plan specifically identifies New Oxford Street as an area with the potential to create more food and drink uses (see Principle 5: page49). In light of this, while new food and drink establishments may be resisted elsewhere, it is considered that an A3 use would form an acceptable component of a mix of uses in this frontage of New Oxford Street.

6.8 Half of the application building falls within the Primary frontage. While the half comprising the application site does *not*, the property is located within Central London. Therefore it is considered reasonable to apply guidance governing primary frontages to the assessment of the impact of this proposal. In Primary shopping frontages the Council seeks to maintain at least 80% retail use in any given parade (see CPG 5).

6.9 One of the primary tools for assessing points 'a' and 'b' listed above, is a consideration of the current frontages on the parade. The existing uses in the parade were noted on 19th of September 2014. The methodology for the count is based on each separate parade of the high street. The count included all the frontages from 118 New Oxford Street (Starbucks, café) to 78 New Oxford Street (Sally's, beauty products) which makes up that particular cluster. The count confirmed that there were eight identifiable units in the frontages, as detailed below:

1. Starbucks – 118-116 New Oxford Street – A1
(114 -112 has no frontage onto street)
2. Donelli – 110 New Oxford Street – A1
3. All Bar One – 108 New Oxford Street – A4
4. Kimchee – 106 New Oxford Street – A1
5. Antigiano – 104 New Oxford Street– A1
6. Joe and the Juice – 102 New Oxford Street – A1
7. Prospect House – 104-76 B1
8. Sally's – 78 New Oxford Street – A1

6:10 The current frontage therefore comprises 6/8 (75%) of units in A1 use. Should the application be approved then the makeup of the frontages would be as follows:

1. Starbucks – 118-116 New Oxford Street A1
2. Donelli – 110 New Oxford Street – A1
3. All Bar One – 108 New Oxford Street – A4
4. Kimchee – 106 New Oxford Street – A1
5. Antigiano – 104 New Oxford Street– A1
6. Joe and the Juice – 102 New Oxford Street – A1
7. Prospect House – 104-76 B1
8. Sally's – 78 New Oxford Street – A1
9. Proposed A1 shop at 194m² - 94 New Oxford Street
10. Proposed A1 shop at 142m² - 96 New Oxford Street
11. Proposed A3 restaurant and café - 90-92 New Oxford Street

6:11 The resulting number of A1 retail units would then amount to 8/11 (73%). Although this is a lower proportion of overall units, the reduction is not significant and there would be an overall gain in the number of retail units. Therefore it is not considered that the development would harm the function or vitality of the high street and the inclusion of a single food/drink use would be an acceptable addition.

6.12 However officers are concerned that should the proposed A1 units at 94-94 New Oxford Street be combined into larger retail units, this would change the makeup of the frontages and would potentially have an impact on the servicing impact of the site. Officers recommend that a condition should be attached to ensure that none of the units are combined without planning permission. This is recommended to safeguard the vibrancy and variety in the high street.

6.13 *Design*

6.14 Policies CS14 and DP25 require that all alterations in conservation areas respect and enhance the character of the area and location. The Council will only give permission to those developments that preserve or enhance the character and appearance of the area. This is further supported by policies CS5 of the Core

Strategy and DP24 of the Development Policies which state that the Council will require all developments including alterations and extensions to existing buildings, to be of the highest design standard in terms of the character, sitting, context, form and scale to the existing building and the general area.

6.15 The proposed alterations to allow for new entrances would be finished in the same materials and design as can be seen on the western side of the building. In this respect it is context driven and would be in keeping with the property. There are no significant issues with the proposed new entrances.

6.16 Any advertisements associated with future users of the units would follow as subsequent applications.

6.17 *Impact on Amenity*

6.18 Under section 7 of supplementary planning guidance CPG 6 (Amenity), all developments are required to have some regard for the amenity of existing and future occupants. Policies CS5 and DP26 state that the council will protect the quality of life for existing and future occupiers, as well as neighbours by only granting permission for those developments that would not have a harmful effect on amenity. Such issues include visual privacy, overlooking, overshadowing, outlook, sunlight, daylight and artificial light levels.

6.19 Additionally, policy DP12 makes provisions for amenity when considering the impact of a proposed food and drink usage. It states that the Council will consider conditions for the control of:

h) hours of operation;

i) noise/vibration, fumes and the siting of plant and machinery;

j) the storage and disposal of refuse and customer litter (see section titled Highways);

k) tables and chairs outside of premises (not being proposed under this proposal);

l) community safety;

m) the expansion of the customer area into ancillary areas such as basements;

n) the ability to change the use of premises from one food and drink use or one entertainment use to another (within Use Classes A3, A4, A5 and D2);

o) the use of local management agreements to ensure that the vicinity of premises are managed responsibly to minimise impact on the surrounding area (not applicable to current proposal).

6.20 The most relevant considerations in this particular case relate to points *h-j* and *m*.

6.21 The property is surrounded by mixed use commercial uses. While officers do not consider that the proposal would have any impact on the amenity of neighbour residents by way of loss of privacy, overlooking and loss of outlook it should be noted that there are residential properties nearby and the proposed use would introduce a more intensive use of the site. However given its context, the additional noise is likely to be absorbed by the existing noise levels in the area and not to greatly increase it in a way that would be unacceptable. The use of music in the premises would be controlled via condition.

- 6.22 The applicant has requested an open ended use in terms of the proposed opening hours for both the A1 use and the A3 use. However it is considered more appropriate and consistent with the Council's licensing framework to restrict the food and drink use to Monday to Friday 06:30 to 23:00, Saturdays 7:30 to 23:30 and Sundays and Bank Holidays 08:00 to 23:00 in line with other food/drink controls within the Central London.
- 6.23 The application proposes some cooking on site for the restaurant use. This is likely to generate fumes and odours. The applicant has stated that this would be controlled via the use of the existing internal extraction system and riser as detailed on the submitted drawings. Therefore no further extraction systems are required. Officers are unlikely to support any additional extraction systems to the external faces of the building and a condition would be placed on the permission to ensure that only the current ventilation system is used.
- 6.24 In light of the above it is considered that the proposed use would not have an unacceptable impact on the amenity of existing and future residents and is acceptable in terms of policy DP12.
- 6.25 *Transport*
- 6.26 Transport Officers have confirmed that there are no significant concerns regarding the application. However further details are required regarding servicing, waste disposal and the collection as detailed above
- 6.27 The property has nine existing car parks at basement level and thirty-four cycle spaces. The cycle spaces will remain as is, however there will be a loss of one parking space to allow for the repositioning of the waste storage zone at basement level and the expansion of the space occupied by the restaurant/cafe use. A condition is recommended for the submission of further details concerning the number of bins and the specific size and method of disposal in order to ensure that the site provides sufficient storage for refuse/recycling.

7. CONCLUSION

- 7.1 The principle of the change from offices to retail units at ground floor has been established on the site. The addition of a single food/drink unit would contribute to the mix of uses on the frontage and would have no significant impact on the local character and retail function nor on local amenity.
- 7.2 Planning Permission is recommended subject to conditions.

8. LEGAL COMMENTS

- 8.1 Members are referred to the note from the Legal Division at the start of the Agenda.

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and

Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans :

OS Plan GA-EX-01, Basement plan proposed GA-BA-01 Rev 5 (dated 24/11/2014), Basement plan existing GA-BA-EX, Ground floor proposed plan GA-00-01 Rev 5, Existing ground floor layout GA-EX-02, Retail entrance sections EX-01-01, Bainbridge street elevations EL-PR-02 Rev 2, Front elevations proposed EL-PR-01 Rev 1, Front and rear elevations EL-EX-01, Planning Statement, Rear Elevation: Bainbridge Street

Reason: For the avoidance of doubt and in the interest of proper planning.

- 4 The restaurant/café use (A3) hereby approved shall not operate outside the following times: 08:00 to 23:00 Mondays to Saturdays and 08:00 to 23:00 Sundays and Bank Holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policy DP12, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 5 No music shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policy DP12, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 6 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the [adjoining] premises [and the area generally] in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 7 The three units hereby approved shall be retained as separate commercial units and shall not undergo lateral conversion, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the unit and to ensure limited impact on the local transport network as well as the character, function and vitality of New Oxford Street frontage and Fitzrovia in accordance with the requirements of policies CS7 of the London Borough of Camden Local Development Framework Core Strategy and policies DP10, DP12 and DP16 of the London Borough of Camden Local Development Framework Development Policies.

- 8 Before the development commences details of the location, servicing and method of waste storage and removal including recycled materials, shall be submitted to and approved by the local planning authority in writing. The facility as approved shall be provided prior to the first occupation of any of the new units and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policy CS18 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 9 The proposed A3 use shall be used solely in conjunction with the existing internal extraction system as detailed in plan Rear Elevation: Bainbridge Street.

Reason: To safeguard the appearance of the building and protect the amenity of nearby residential units as required by policies CS14 of the Core Strategy and DP24 of the Development Policies.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council->

contacts/environment/contact-the-environmental-health-team.en or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

- 3 You are reminded that filled refuse sacks shall not be deposited on the public footpath, or forecourt area until within half an hour of usual collection times. For further information please contact the Council's Environment Services (Rubbish Collection) on 020 7974 6914/5. or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-street-environment-services.en>.
- 4 The Council supports schemes for the recycling of bottles and cans and encourages all hotels, restaurants, wine bars and public houses to do so as well. Further information can be obtained by telephoning the Council's Environment Services (Recycling) on 0207 974 6914/5 or on the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.



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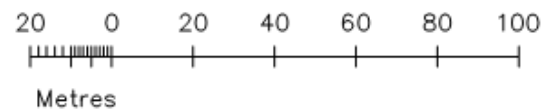
**Weve Ltd, Prospect House
100 New Oxford Street
London, WC1A 1HB**

**Scale:
1:1250
Date:
5-Dec-14**



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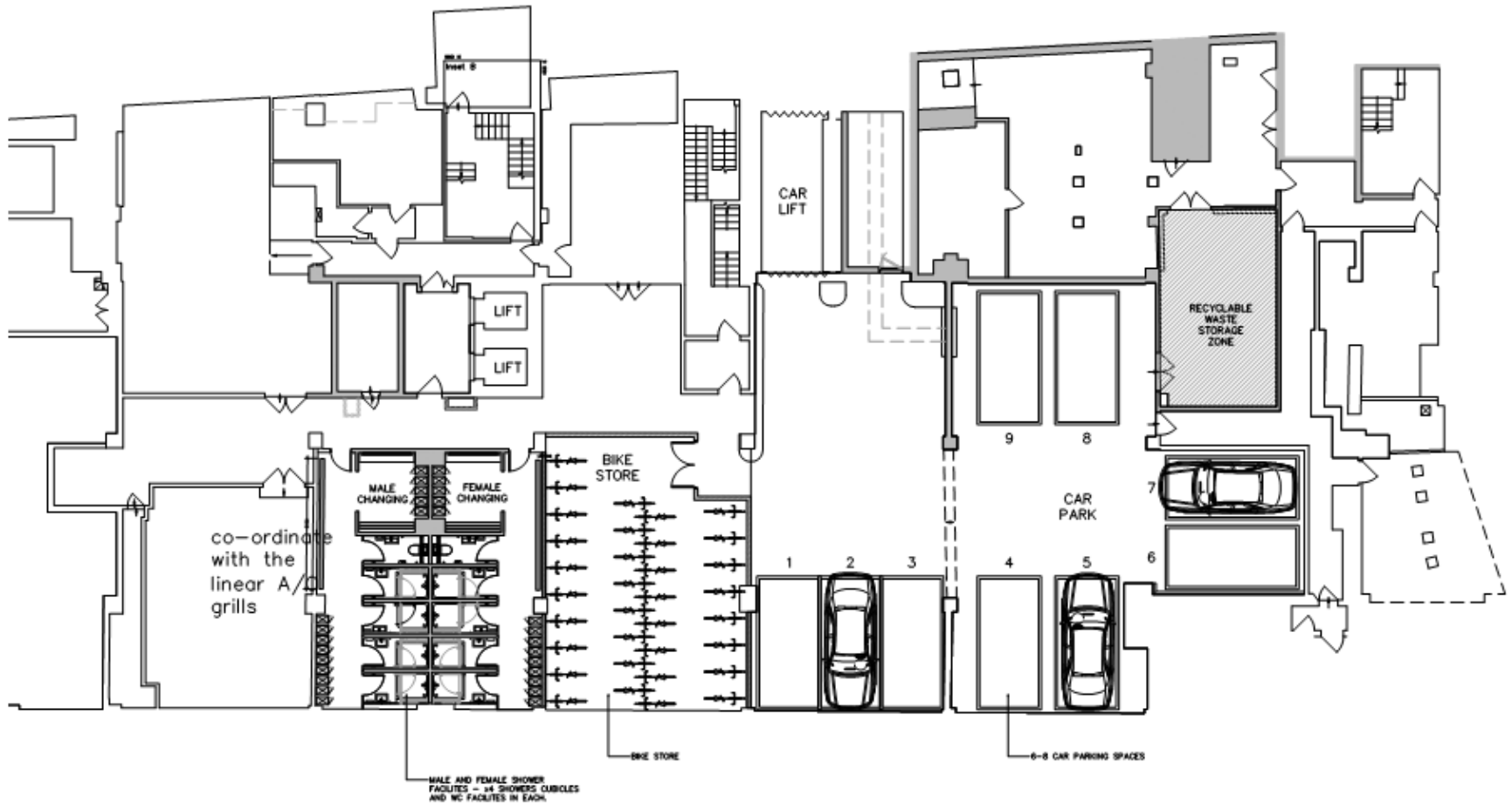
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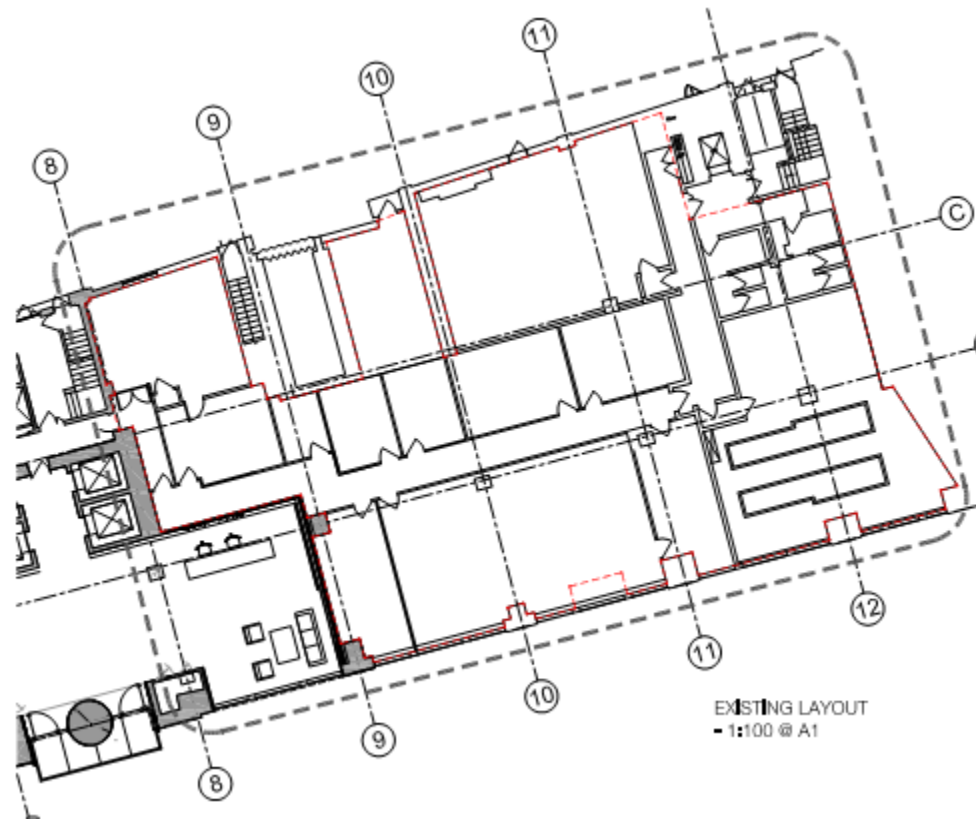
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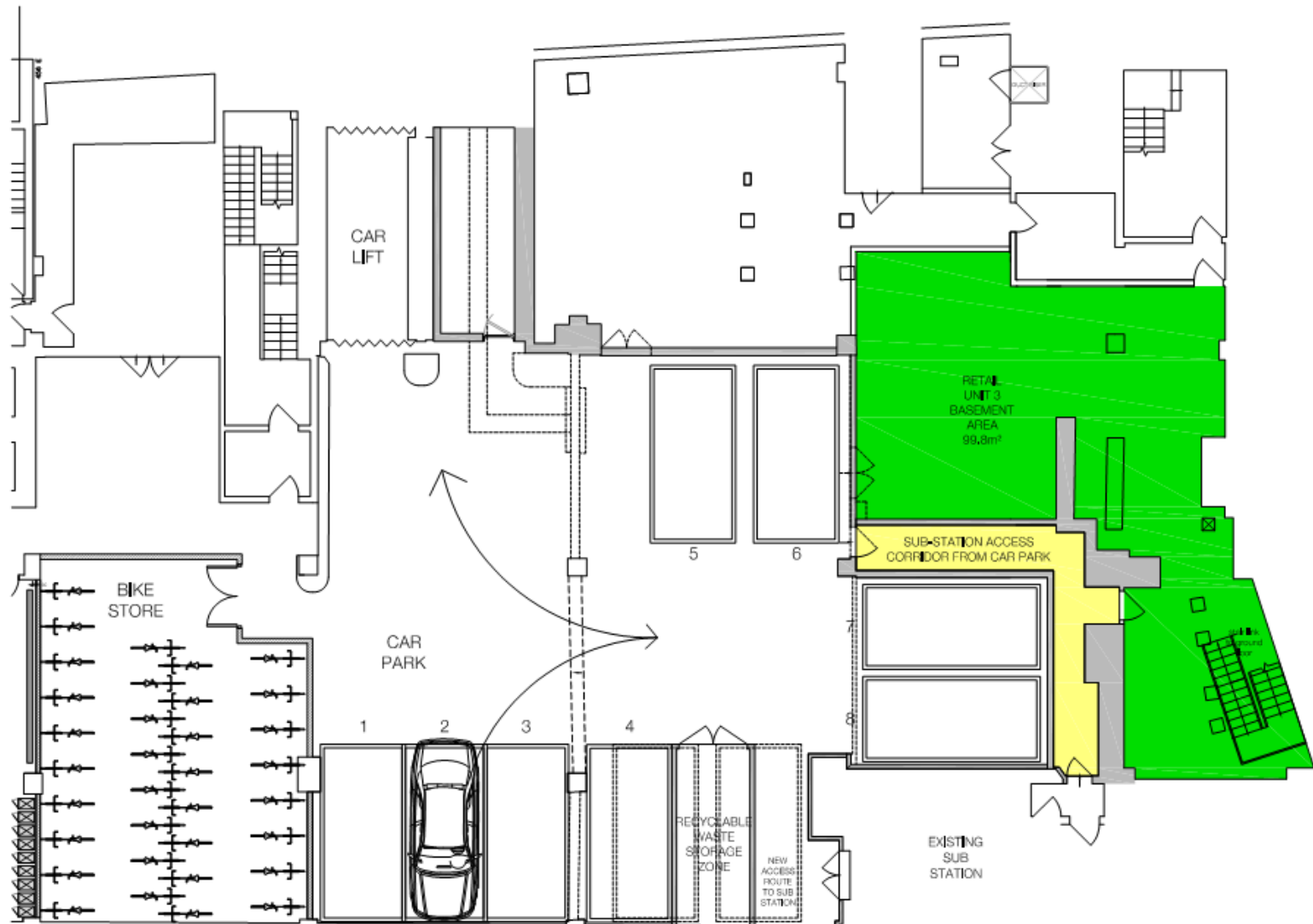
Basement Plan Existing



Ground Floor Plan Existing



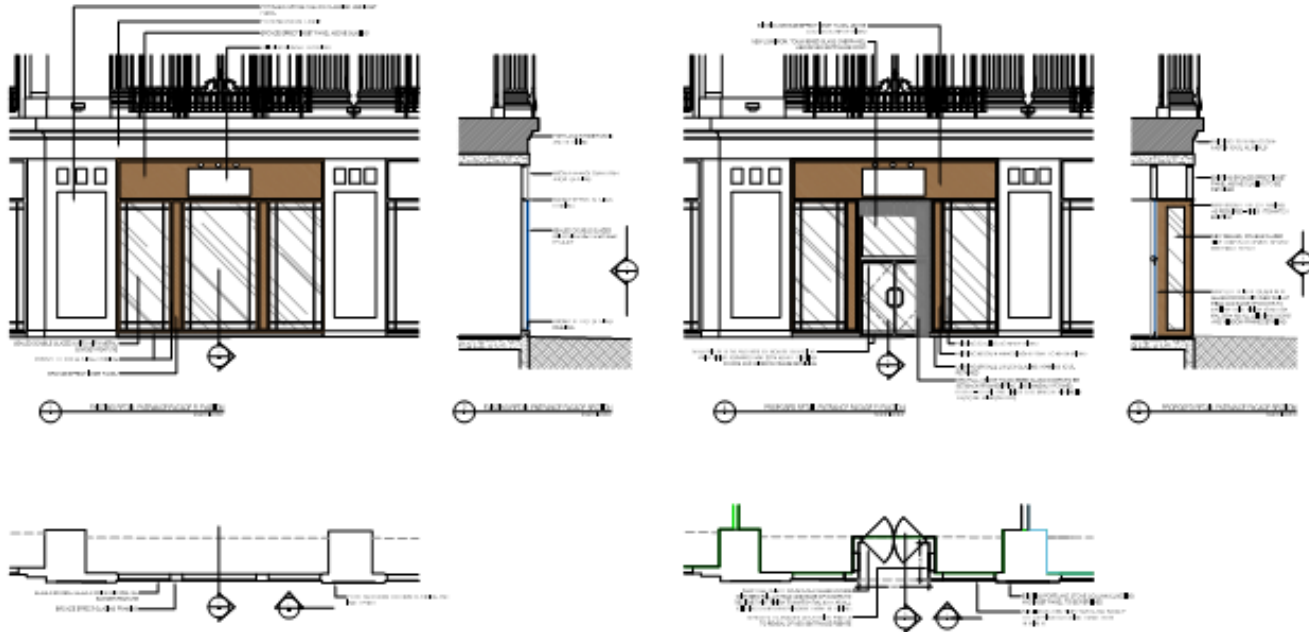
Basement Plan Proposed



Ground floor Plan Proposed



Existing and Proposed Shopfront



Existing

Proposed

Current Frontage



Already Granted Permission 2013/7960/P

