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PS 9905114

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Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY EUSTON CENTRE INVESTMENTS LIMITED
APPLICATION NO. 900 3269

1. I have been appointed by the Secretary of State for the Environment to determine the above appeal against the failure of Camden London Borough Council to give notice within the prescribed period on an application for outline planning permission for redevelopment of the site by the erection of an office building amounting to approximately 290,000 sq ft [26950 sq m] of offices including a design centre, studios, mixed uses at ground floor level and a sports unit and underground parking facilities on land at Triton Square, Euston Centre, London NW1. I held a public inquiry on 16 to 19 October 1990.
2. Euston Centre is an extensive office complex, typical of the 1960s, on the North side of Euston Road. Part of the ground floor frontage comprises mixed retail and commercial uses. A large basement car park underlies it. Two Tower blocks with dwellings stand on the furthest extremities of the Centre. A 16-storey office block is being refurbished. The appeal site is within the Centre, behind the Euston Road facade, accessible from Longford Street at the rear. It is called Triton Square. The original concept of development in the 1960s was a large block of industrial floor-space, but although the LCC would have allowed that scheme, an Industrial Development Certificate was never issued and the site remains generally undeveloped except for temporary structures, accommodation and service works, a petrol filling station and old office building.
3. The application is in outline, with all matters reserved, but your clients say they are committed to the concept illustrated in drawings prepared by Messrs Arup, who would like to occupy it themselves, subject to terms. Their design is a 5-storey building, like a doughnut in plan, with a glass curtain wall on the outside, a hole in the middle with a landscaped courtyard through which the public can pass unimpeded, and basement services with car parking beneath. The upper floors would all be offices, but the ground floor would be a mixture of uses which were specified during the Inquiry. Although the Council reasonably demand a high standard of urban design in this part of Camden, they concede that the environment would be improved by the scheme. The appearance of the development was not at issue in the context of this outline application, and neither was the overall size, plot ratio and scale of the building.



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4. An appeal about an alternative concept, including some studio dwellings for Messrs Arup's staff, was withdrawn shortly before the Inquiry and forms no part of this case (DoE ref. A/90/146888). The Council want to preserve the site for other alternative schemes, including family housing and employment for local people. From the reasons for refusal which the Council would have issued, and in the light of current policies and all the representations and evidence at the Inquiry, I consider the principal issue in this case is whether permission for the proposed office development should be withheld in favour of some other mixture of uses which would be closer to the housing and employment objectives of the Local Plan. A further issue arises from the acceptability of additional car parking in the central area of London.

5. The policy background to this case is founded on the Greater London Development Plan of 1976. It identifies parts of London which are preferred for office locations, but does not generally restrain offices elsewhere. It says in paragraph 4.15(ii) that office development may also be allowed in other locations which provide significant facilities for passenger interchange. Both parties agree that Triton Square is in such a location. No-one suggests the site would be unsuitable for offices. That same policy also takes account of the attainment of planning advantages, including redevelopment of areas of poor lay-out, and provision of residential accommodation in conjunction with the offices. The Council argues that more residential accommodation in Euston Centre can only be attained if less offices are built on the appeal site.

However, the relevant policy is not prohibitive, and the proposed development does not conflict directly with any of the planning or environmental conditions set out in the policy, so even if the policy is applied strictly it would not justify a refusal of planning permission for offices on this particular site.

6. The Camden Local Plan is more up to date. It was adopted in 1987. I have given full weight to all the relevant policies. The appeal site is not inside a Community Area, and the Proposals Map shows that it is in one of the few areas designated 'Location for Office Development', where the operative policy is EM23. It generally restricts office development and limits the amount of office floorspace to 500 sq.m. gross. The proposed development would vastly exceed that limit so I shall consider whether that policy constitutes a clear cut reason for refusal.

7. The Council recognise the the Euston Centre is already an established office centre. On this, and on other sites they support office development in excess of the limitation. The whole tenor of their case is that the limit may properly be exceeded on particular sites, though not necessarily to an unlimited extent, if there is good reason to do so for the sake of an advantageous mixture of other uses. On this site they suggest certain alternative schemes including office floorspace of 139,000 sq.ft to 207,000 sq.ft gross, on the basis that the policy limit can be exceeded. None of the evidence is aimed at applying the 500 sq m (5,382 sq ft) limit. It should not therefore be applied as justification in itself for dismissing this appeal.

8. You point out that the prospect of alternative schemes, whether they are better or not, cannot justify refusing outline planning permission if this application is acceptable. Nevertheless I recognise the purpose of the Council's case and shall not set their objectives aside without considering the local circumstances and the extra benefits of alternative schemes which they put forward.

9. Some aspects of Local Plan policy are aimed at encouraging residential development, particularly family housing; and local employment, particularly workshops. During this current substantial phase of development at the Euston Centre the Council are trying to obtain facilities which local people need. However, the relevant housing policies, including HG19, HG20 and HG30 are not specific to the appeal site. They apply to the Borough in general. Really stringent policies apply in the Community Area, but that is beyond the appeal site. I saw that Triton Square would be on the very margin of the Regents Park housing area. High rise housing would not be very suitable for families according to the Council's Environmental Code; low rise housing would be overlooked from a great height by commercial development on 2 sides. Although

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it may be feasible to build houses there, I saw nothing to commend the site for that purpose and I think it would be an exposed and unpleasant place for families to live. The feasibility of some studio dwellings is implicit in the history of the site, but that would not serve an identified local need and is no longer wanted by the developers. I do not therefore think housing on site would produce worthwhile advantages.

10. Furthermore, the Planning Authority confirm there is no specific policy requiring the site to be used for mixed employment uses or Class B1(c) of the Town and Country Planning (Use Classes) Order 1987, even though the Plan favours mixed development. They do not specify any particular project which is needed; and do not seek to show that the appeal site is suitable for that kind of use, even if it would be financially viable to include some other B1 uses. I therefore conclude it would be unreasonable to impose a condition requiring part of the development to be B1(c) floorspace.

11. It is agreed that the scheme comprising 81% offices proposed by your clients would be the most viable option by far, and would provide employment in the local catchment area where white-collar jobs are needed as well as service and manual labour. Your clients are willing to incorporate other uses on the remaining ground floor space if that would benefit the community without spoiling their offices. The Council's calculations indicate that the other mixtures of uses they prefer, including housing and Class B1(c), could also be made viable if extensive offices are allowed on the same site. However, their options have not been worked out in a feasibility study, and the residual valuations which they produce are very sensitive to changes in the underlying assumptions on which they are based. Family houses on the site would neither be desirable nor cheap. Besides, according to the evidence of both parties, the current market for office floorspace is highly competitive; prospective tenants can afford to be selective, and an insensitive mixture of uses could well affect the rent and viability of any scheme.

12. Your clients declare that any other form of development is unlikely to be viable on Triton Square, and that any such issues are irrelevant to the outcome of their appeal. The Local Planning Authority maintain that refusal of outline planning permission would produce other types of development which they prefer. I find the evidence very inconclusive. The site has lain half used for many years while the Euston Centre is developed around it. On the face of the evidence I think that if this appeal is dismissed it will most probably lie in much the same state until and unless economic circumstances change.

13. The Local Planning Authority say there is no overriding need for further office floorspace in London, or in the West End. You refute the relevance, newness and accuracy of that evidence, and your clients make it plain that their case does not depend upon overriding need. However, both parties agree that the market is very fluid, and even if an overall surplus of floorspace is in the pipeline, there is still great demand in the West End for modern office floorspace of the size proposed. There would be no difficulty letting it.

14. The Council say the demand for offices in the preferred areas might be harmfully relieved if outline planning permission is granted in the Euston Centre; though they cannot specify any particular development in any other place which might be prejudiced. They consider a refusal here would help to redirect office development to preferred locations elsewhere in London. Such a strategy would depend upon stringent restrictive policies being applied to the appeal site and other areas which are not on the preferred list. My attention is drawn to the GLDP Draft Alterations and to the non-statutory advice note of the London Planning Advisory Committee about the adoption of such policies. The statutory Local Plan does not in itself substantiate such a restriction, and RPG3 does not add weight to the advice of LPAC sufficient to justify refusal on this particular site.

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15. In summary then, the Euston Centre is a big office complex, largely complete, and in my opinion it is well enough developed already to have an established place in the West End office market. The Council are ready to concede most, if not all of the ~~extra office floorspace applied for~~, so the policy limiting floorspace to 500 sq.m. does not justify refusal. The offices would not conflict with any other prohibitive policy in the Development Plan and the site is suitable for the proposed development. The available evidence does not carry the conviction that dismissal would result in something better. I therefore conclude the development would be acceptable in principle, and pass on to consider the secondary issue of car parking.

16. The existing basement car park below the Euston Centre has a capacity for 586 cars, having been designed to meet the requirements of the 1960s. A recent survey, on a typical day, shows over 200 vacant car spaces; though your clients confirm that almost all of them are allocated to occupiers of the Euston Centre, and they do not control the basement car park for the purpose of re-allocating available space to this application. The application includes operational car parking, agreed by both parties to be a maximum of 24 spaces. No one contends that the roads leading to the site are inadequate to serve the estimated 66 trips per day, but local policies are aimed at reducing the demand for road space and discouraging movement in private vehicles where public transport is so easily available. These policies are in step with national guidance in RPG3, which recognises that undesirable car commuting will be discouraged limits are imposed on parking associated with new offices.

17. Your clients point out that the only traffic at issue is essential traffic, which would have to come to Triton Square anyway, and which might park on the surrounding streets if no new dedicated parking spaces are built, and if no convenient spaces are available in the existing basement under Euston Centre. I cannot be sure that spaces would be found in the Euston Centre basement, but I think it likely that the management could make special arrangements for essential cars to be parked there from time to time, and I think the risk of visitors parking on Triton Square at other times is acceptable having regard to the limited effect which it would have on the immediate environment. You confirm that the building would function without the 24 spaces. If they are allowed, I think street parking might be reduced but not eliminated, and I think the overall objective of restricting cars would be compromised. The development would be adequately serviced from a proposed basement service area and surface access roads, about which there is no dispute. The 24 car spaces are therefore a separate matter. For the foregoing reasons they should be omitted.

18. The outline application refers to mixed uses at ground floor level and a sports unit. Your clients explained in the course of the inquiry that the mixed uses on the ground floor are intended to include convenience shopping. Having seen that the nearest parade of convenience shops are in Robert Street, I appreciate that this would be of as much benefit to the vitality of Triton Square as to local people, and it is agreed that planning conditions should be imposed to specify appropriate floorspace and to define the nature of convenience goods according to the usual meaning of the term. Similarly it is agreed that a creche should be included, and the agreed floorspace of the sports unit should be specified, and that both these benefits should be made available to the public as well as the occupiers. Most of the remaining ground floor space is intended for Class A retail development, to the benefit of the public and the developers, leaving adequate floorspace at ground level for proper foyers to serve the offices above. Evidence about the respective floorspace was expressed in Imperial measure, in common with all the evidence about valuation and viability. I shall impose conditions along those lines, in Imperial measure. Access for the disabled is a matter for other legislation. The provision of bicycle stands is not part of the outline application and would be a detailed matter for the management of the site.

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19. I have noted all the planning history of the site. My conclusions about this site in particular indicate that an exception to the Local Plan policy would not be inconsistent with the Council's flexible interpretation of its requirements, and would not conflict with the previous applications and appeal decisions drawn to my attention. I have taken account of the foregoing advantages of the development as well as the lack of material harm, and all the other matters put forward in evidence. They do not alter my conclusions.

20. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant outline planning permission for redevelopment of the site by the erection of an office building amounting to approximately 290,000 sq ft [26950 sq m] of offices including a design centre, studios, mixed uses at ground floor level and a sports unit and underground parking facilities on land at Triton Square, Euston Centre, London NW1. in accordance with the terms of the application No. 900 3269 dated 31 May 1990 and the plans submitted therewith, subject to the following conditions:

1(a) Approval of the details of the siting, design and external appearance of the building, the means of access thereto and servicing thereof the provision of routes for pedestrians and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the local planning authority.

1(b) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this letter.

2. The development hereby permitted shall be begun either before the expiration of 5 years from the date of this letter, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

3. Except with the agreement of the Local Planning Authority the ground floor of the development hereby permitted shall not be used otherwise than in accordance with the following restrictions:-

(a) Not more than 6,000 sq ft may be used otherwise than for a purpose falling within Class A1, A2 or A3 of the Town and Country Planning (Use Classes) Order 1987 or for the purposes of a sports unit or creche or open area or access route associated with the development; and

(b) Not more than 2,000 sq ft may be used for a purpose falling within Class A2 of the said Use Classes Order; and

(c) Before the offices are occupied not less than 1,000 sq ft of the floorspace hereby permitted shall be made available as a creche and that floorspace shall not thereafter be used for any purpose other than as a creche; and not less than 3,000 sq ft shall be made available as a sports unit and that floorspace shall not thereafter be used for any purpose other than as a sports unit; and not less than 8,500 sq ft shall be made available for the retail sale of convenience goods and that floorspace shall not thereafter be used for any purpose other than the retail sale of convenience goods defined as food, alcoholic drinks, tobacco, newspapers and magazines, soap and cleaning materials.

4. The sports unit and creche shall be open to use by the public.

5. No car parking spaces shall be permitted on the site.

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21. An applicant for any consent, agreement or approval required by a condition of this permission (and for approval of any of the reserved matters referred to in this permission) has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period. The developer's attention is drawn to the enclosed note relating to the requirements of the Buildings (Disabled People) Regulations 1987.

22. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 57 of the Town and Country Planning Act 1990.

I am Gentlemen
Your obedient Servant

Nicholas Hammans

NICHOLAS HAMMANS FRTPI FIAS MBIM
Inspector