

Planning Statement

Change of Use from A1
Retail to A3 Restaurant

82 New Oxford Street,
London, WC1A 1HB

**Ferretti London 1
Ltd**

April 2016

pomery

PLANNING CONSULTANTS

Introduction

- 1.0 This statement has been prepared by Pomery Planning Consultants on behalf of our client, Ferretti London 1 Limited (the applicant). The statement is provided in support of the applicant's proposal for the change of use of 82 New Oxford Street, London, from an A1 Retail use to an A3 Restaurant use.
- 1.1 This Planning Statement is divided into a further 4 sections; Section 2 explains the current planning circumstances relating to the site; Section 3 describes the site and its immediate surroundings; Section 4 sets out the relevant planning policy framework; whilst Section 5 explores the material planning considerations of relevance to the proposals.

Current Planning Circumstances

- 2.0 In order to understand the context within which this application is being submitted, we set out below the planning circumstances relating to the site as currently exist.
- 2.1 On 7th September 2015, the Council were notified of a proposed change of use of 82 New Oxford Street from an A1 use to an A3 use for a temporary period of 2 years. Camden Council subsequently granted prior approval temporary A3 use for a continuous period of up to 2 years, expiring on 18th September 2017. This was granted under LPA ref: 2015/5297/P.
- 2.2 Since that time the premises have been occupied by 'Ferretti' as a pizza restaurant under the terms of the existing temporary A3 planning consent. This planning application now seeks to make the current A3 use permanent, in order for the premises to continue to be operated as a restaurant, in a similar

form as currently exists.

- 2.3 The application site lies within the 'Tottenham Court Road/Charing Cross Road, Central London frontage', where proposals for changes of use will be assessed against Policy CPG5 of the Camden Planning Guidance. This advises that changes of use away from A1 retail use in this area will not be permitted, if the change of use of the premises will result in the street frontage having less than 80% of A1 use.
- 2.4 An assessment of the current uses within this street frontage reveals that there is currently 80% of A1 use and that if this change of use application is approved by Camden Council, there will continue to be 80% of A1 use. The proposal therefore complies with Policy CPG5 and these details will be expanded upon further in Section 5.

The Application Site

- 3.0 The site is located to the northern side of New Oxford Street, with Tottenham Court Road Underground to the west and Holborn Underground to the east. The application site is no. 82 New Oxford Street which forms part of no's 80-116 New Oxford Street, a large office block with retail units at ground floor (and in some cases) basement levels. The overall building is 4 storeys with a set-back second floor and two attic storeys in a mansard roof. New Oxford Street is characterised by a mix of ground floor retail uses with office uses above. A number of office uses are also located at street level. The application site comprises the ground floor of no. 82 New Oxford Street together with an existing mezzanine floor.

- 3.1 The application site is not listed, but lies within the Bloomsbury Conservation Area. The site also forms part of the Tottenham Court Road/Charing Cross Road Central London Frontage and is specifically designated as a primary frontage.



- 3.2 The application seeks a permanent change of use from A1 retail to A3 restaurant use, in order for the premises to continue to operate in a similar form to that existing. No internal or external alterations are required.

Planning Policy

- 4.0 The Development Plan for Camden comprises the LDF Core Strategy and Development Policies, Adopted 2010, Camden Planning Guidance (specifically CPG5 'Town Centres, Retail and Employment, September 2013), and the Bloomsbury Conservation Area Appraisal and Management Strategy, April 2011.

- 4.1 Core Strategy Policy DP12 builds upon Core Strategy Policy CS7 and explains the Council's approach to both retail and food and drink establishments in the Borough. The Policy seeks to ensure that development of shopping, services, food, drink, entertainment and other town centre uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours. It goes on to state that the Council will consider the effect of non-retail development on shopping provision and the character of the centre in which it is located, as well as the cumulative impact of food, drink and entertainment uses taking into account the nature and distribution of existing uses and non-implemented planning permission, and any record of harm caused by such uses.
- 4.2 The application site forms part of the Tottenham Court Road/ Charing Cross Road Central London Frontage and is designated as a primary frontage within Camden Planning Guidance 5 'Town Centres, Retail and Employment' (CPG5). Paragraph 4.13 states that there has been a rise in the number of sandwich bars and cafes operating out of shop premises (Class A1) in the area. The law does not state at what point a change of use happens between Class A1 and Class A3 and therefore, the Council has to consider each application on a case by case basis.
- 4.3 Paragraph 4.14 of CPG5 states that the creation of large numbers of café uses is a concern as it could disrupt the shopping character of the street. In order to secure retail uses, the guidance states that permission will generally not be granted for changes of use from Use Class A1 to other uses at ground floor level in the designated frontages on Tottenham Court Road, if the proposal takes the proportion of A1 use in each individual frontage below 80%.

The Material Planning Considerations

- 5.0 The key matters for consideration in the determination of this application are compatibility with Policy CPG5, recent changes in national regulations, as well as the impact on amenity of nearby and neighbouring uses.
- 5.1 Policy CPG5 seeks to retain no less than 80% of A1 uses in each individual designated frontage along Tottenham Court Road. The application site falls within the designated frontage comprising no's 78 - 116 New Oxford Street (between Bainbridge Street and Dyott Street). This frontage consists of 10 separate units at ground floor level and their current uses are set out in the table below;

Number	Existing Occupier	Use Class
78	Sally (beauty shop)	A1
80	Shake Shack (fast food)	A1
82	Ferrretti (pizza restaurant)	A3
84	Ichiryu (Japanese take-away)	A1
102	Joe and the Juice (café)	A1
104	Costa Coffee (café)	A1
106	Kimchee (Asian food shop)	A1
108	All Bar One (bar)	A4
110	Donelli (shoe shop)	A1
112-116	Starbucks (café)	A1

- 5.2 Out of the 10 units within this designated frontage, 8 of them are currently operating as A1 retail and therefore the frontage is precisely 80% retail. This is the minimum proportion of A1 use allowable under the terms of Policy CPG5. 82 New Oxford Street is already in A3 use and therefore its change of

use to A3 on a permanent basis would have no impact on the overall percentage of A1 uses within this designated frontage. The frontage would continue to contain 80% A1 uses and therefore the change of use of no. 82 is fully compliant with Policy CPG5.

5.3 A further material consideration are the recent changes to the Town and Country Planning (General Permitted Development) Order 2015, which have allowed increased flexibility for commercial uses. The Town and Country Planning (General Permitted Development) (Amendment) Order 2013, allowed the material change of use of a building (up to 150m²) to a flexible use falling within Class A1, A2, A3 or B1, D1 or D2 , for a temporary period of 2 years. This Order, which allowed the temporary change of use was replaced on the 15th April 2015 by the Town and Country Planning (General Permitted Development) (England) Order 2015, which amended the 2 year temporary permission. The new 2015 Order allows the change of use from A1 to A3 on a permanent basis, subject to certain limitations, one being a maximum floor area of 150m². These amendments, whilst initially for a temporary period of 2 years, have subsequently been made permanent and have given landowners freedom and greater flexibility in order to support regeneration and renewal of town centre locations.

5.4 This change in national regulation means that policy consideration of change of use applications to A3 uses, must have regard to the fact that such development is now permitted, albeit subject to floor area restrictions. The policy documents referred to above pre-date the changes to the (GDPO). These policies therefore, do not have regard to the fact that control on such uses has materially altered. For example, the firm application of a frontage policy requiring 80% retail uses in frontages, can no longer have the same weight as the planning authority can no longer exercise control over such uses. It is highly relevant to state that if the application site had a slightly smaller floorspace (i.e. no mezzanine floor), then a permanent change of use to A3 would be permitted development in any event and would not require the submission of a planning application. The weight of policies such as CPG5 therefore has to be reconsidered and have regard to more recent changes in

national legislation. That said, this proposal fully complies with the requirements of CPG5.

- 5.5 With regard to impact on amenity, there are no residential properties within the application building or neighbouring buildings. The property is already equipped with cooking and extraction equipment, which have been operational without complaint. In view of the site's commercial and city centre location, it is submitted that there will be no detrimental impact on the amenity of nearby residential properties.
- 5.6 For the reasons set out within this Statement, it is submitted that planning permission for the change of use should be issued without delay.