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Dear Sir/Madam

Proposed partial change of use of part of the ground floor accommodation from Class B1 (office) use to Class A4 (drinking establishments) use at 55 New Oxford Street, London WC1A 1BS

I enclose an application for full planning permission for the above proposed partial change of use of part of the ground floor of the above property, along with the requisite fee for £385.00.

The application site comprises a very modest ground floor part (circa 10%) of the overall floor area of an existing basement and ground floor commercial leisure premises that last traded as a wine bar. The floor area of the application site is only 40 square metres. This unit is located within the modern Albion House complex and has its own existing separate access from New Oxford Street. Whilst the vast majority of this unit benefits from authorised Class A4 planning use, a modest part of the ground floor element of this former wine bar unit does not appear to be covered by the same authorised planning use; despite its many years of being operated as part of this wine bar unit. The purpose of this planning application, therefore, is to now regularise this past use and formally cover this modest element of the ground floor accommodation with matching Class A4 use that exists for the overall unit. This part of the ground floor physically adjoins the ground floor entrance to the former wine bar unit.

The planning history of the site is a little convoluted. Planning permission for the unit was originally granted on 18/07/2003 with a change of use of part of the ground floor and basement to a wine bar (LPA Ref: PSX0205021). At the time this use fell within the then Class A3 food and drink planning use class. Since the revisions made to the planning use classes legislation on 21/04/2005, the authorised use of this unit is now Class A4. Planning permission was sought for a modest enlargement of the ground floor area of the wine bar use in 2004, but this was refused planning permission on 15/12/2004 solely on the grounds of the perceived amenity impacts of that use (LPA Ref: 2004/4178/P). However, it appears that the ground floor element of the wider wine bar unit, as built and in reality, included that area refused under planning application 2004/4178/P, such that the ground floor part of the wine bar was therefore greater in size than that consented under planning permission PSX0205021. It is understood that this unauthorised wine bar use of this part of the ground floor accommodation existed for more than 10 years consecutively but that this use ceased in December 2015. It is therefore no longer possible to secure a lawful use certificate for this use of this part of the ground floor accommodation. Incidentally, planning permission was granted for the change of use of this part of the ground floor accommodation from office (Class B1) to retail (Class A1) use on 01/03/2005 (LPA Ref: 2005/0092/P). However, this planning permission was never implemented and it is therefore understood that the authorised planning use of this part of the ground floor accommodation is as Class B1 office use; despite its long history of *de facto* use as part of a wine bar. The principal planning permission for the wider former wine bar unit is now 2007/6358/P, which was granted on 31/03/2008. This permission varied



conditions on planning permissions 2004/4156/P and PSX0205021 and approved opening hours to until 0600 hours Mondays to Saturdays and until 0400 hours on Sundays.

The applicant is Flight Club Darts Ltd. Their intended use of this part of the ground floor is as part of a continuing Class A4 use of the wider former wine bar unit that exists on the ground floor and basement levels at present. The applicant's business would offer dart playing facilities as part of the Class A4 customer offer. The supporting documents include a brochure explaining the Flight Club concept in more detail. This document was provided to the Licensing Authority as part of the licensing application and has been included with the planning application documents in order to provide an explanation of the wider use of the former wine bar premises, which the application site is intended to form a modest part of.

New Oxford Street is a very busy and active central London location which comprises predominantly commercial uses surrounding the site. New Oxford Street itself is heavily trafficked with high volumes of traffic at all hours of day and night. The site benefits from excellent public transport accessibility, with a Transport for London PTAL (Public Transport Accessibility Level) of 6b (the highest possible). The location is served by underground and buses as well as a series of very frequent night bus services and is also a major route for taxis. A range of different commercial leisure style uses within the Class A3, A4, D2 and *sui generis* planning use classes exist within the general area of the site and these include nightclubs and other late night uses. Ambient noise levels within the vicinity of the site remain high throughout the daytime, evening and night-time. Residential properties do exist within the vicinity, however very few of them actually front onto New Oxford Street itself and none lie within the immediate vicinity of the application site. The site lies within the designated Bloomsbury Conservation Area.

Within this context, the proposed regularisation of the long-standing Class A4 use will not result in any detriment upon the amenities of any local residents or the area in general, as rehearsed in more detail below. The area of the ground floor involved is a modest (circa 10%) part of the overall former wine bar unit. It physically adjoins the ground floor entrance from New Oxford Street and remains, both physically and functionally, part of this former wine bar unit. This planning application simply seeks to regularise the long-standing Class A4 use of this part of the existing ground floor accommodation.

At present, this part of the ground floor accommodation in Albion House has its frontage windows to New Oxford Street blanked-off. It is the applicant's intention to remove the blanking-off of these existing windows, to effectively open-up this frontage, and include a suitable retail-style display with an active frontage to New Oxford Street. This is considered to be an enhancement to the character and appearance of this unit and the Albion House building itself, to the benefit of the local streetscene and the wider Bloomsbury Conservation Area. No other physical alterations are proposed to the external appearance of this former wine bar unit and the access arrangements from New Oxford Street would remain as existing.

This proposal is clearly supported by the National Planning Policy Framework (NPPF). At the heart of the NPPF is a strong presumption in favour of sustainable development (paragraph 14), unless there are demonstrable adverse impacts. Paragraph 6 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 states that there are three identified dimensions to sustainable development, comprising economic, social and environmental dimensions. As a consequence, the planning system should contribute to building a strong, responsive and competitive economy.

Planning decisions should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives. Every effort should be made objectively to, *inter alia*, respond positively to wider opportunities for growth (paragraph 17). The NPPF stresses that planning should operate to encourage and not act as an impediment to sustainable growth (paragraph 19). To help achieve economic growth, LPAs should plan proactively to meet the development needs of business and support an economy fit for the 21st Century (paragraph 20).

The NPPF states that investment in business should not be over-burdened by the combined requirements of planning policy expectations (paragraph 21). Planning policy should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. Policies should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality and should promote competitive town centres that provide customer choice and a diverse retail offer, and which reflect the individuality of town centres (paragraph 23).

In relation to Heritage Assets, only where a proposed development will lead to substantial harm to/or total loss of significance of a designated Heritage Asset should local planning authorities refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (paragraph 133). This gives a presumption in favour of development that does not cause substantial harm, or if any substantial harm can be justified. Where a development proposal will lead to a less than substantial harm to the significance of a designated Heritage Asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (paragraph 134).

Local Planning Authorities should approach decision-making in a positive way (paragraph 186) and should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible (paragraph 187).

It is also considered that this proposal accords with the adopted local planning policy context for this site. The adopted Camden Core Strategy 2010 – 2025 is principally focussed on strategic policies and objectives which, given the very modest nature of this proposal, are considered to be of less direct relevance than the adopted Camden Development Policies 2010 – 2025.

Policy DP12 of the Development Policies seeks to ensure that development for food, drink, entertainment and other town centre uses does not harm the character, function, vitality and viability of a centre, a local area or the amenity of neighbours. Policy DP13 seeks to protect existing employment sites, subject to some flexibility. The very modest scale of this proposal and its long-standing *de facto* use as part of an existing, authorised Class A4 use limit any genuine impact of the proposals on the aspirations of these policies. Whilst the application site is technically authorised for Class B1 use, it has not been used as such for over 10 years and has already been granted planning permission by the LPA for alternative, Class A1 use. Within this context it would be unreasonable of the LPA to seek to retain the Class B1 use. The proposed use would in reality enhance the function, vitality and viability of the local area as part of the wider vibrant, alternative use of the former wine bar premises. The applicant's business would provide local employment and would provide an attractive commercial leisure style use which would significantly add footfall to the local area. As discussed below, residential amenity would also be unaffected.

Policy DP26 of the Development Policies seeks to manage the impact of development on neighbouring occupiers, with development that would cause harm to amenity resisted. The application site comprises only a modest part of the ground floor of the wider former wine bar use. The applicant's use of the former wine bar premises does not require planning permission from the LPA. This application is solely seeking to regularise the use of a small part of the existing ground floor for use as part of the wider authorised Class A4 use and its potential amenity impacts must be considered within this context. The site is also located within a very busy and heavily trafficked part of central London, with a range of commercial uses which include existing late-night entertainment uses, where ambient noise levels are high through the daytime, evening and night-time. There are no residential properties within the immediate vicinity of the site and the applicant's business has a proven track record in providing well-managed, commercial leisure style use that operates in a respectful manner to its neighbours; and which would also be subject to the on-going regulation of Camden Council as both Licensing Authority and Environmental Protection authority. Given all of this context, it cannot be reasonably concluded that the potential amenity implications of the proposals would warrant a refusal of planning permission.



Policy DP16 of the Development Policies addresses the transport implications of development and seeks to ensure that development is properly integrated within the transport network. As already rehearsed above, the application site benefits from excellent public transport infrastructure and is within a 6b PTAL area. There is therefore clearly no conflict with this policy.

Policy DP25 of the Development Policies concerns conserving Camden's heritage. This requires development within designated conservation areas to preserve and enhance their character and appearance. As already rehearsed above, the applicant intends to open-up the existing blanked-off frontage windows to New Oxford Street at ground floor level. This will enhance the appearance of this building and the wider streetscene, to the benefit of the character and appearance of the Bloomsbury Conservation Area. No below ground excavations are included as part of the application and consequently there are no implications for any surviving archaeological remains.

It is therefore considered that this application is actively supported by the NPPF and will comply with the aims and aspirations of the adopted local planning policy context. It will regularise a long-standing use of this modest part of the ground floor accommodation that will function as an integral part of a vibrant and appropriate commercial leisure style use that will add to the vitality and viability of the local area in general and will not compromise the amenities of the wider area; whilst enhancing the character and appearance of the adopted conservation area.

In the above circumstances, it is hoped that officers can support the proposed modest change of use. If you need any clarification of the proposal or require any further information, please do not hesitate to contact us.

Yours faithfully

Bidwells LLP

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