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FAO: Michael Cassidy

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Our ref: WRIM/HBR/J10182C

Your ref: 2014/5946/P

Dear Sir

21-31 New Oxford Street Non-Material Amendment Application (s96a)

We write on behalf of our client, 21-31 New Oxford Street Development Limited, to submit a non-material amendment application (s96a), to planning permission ref. 2014/5946/P, for a number of amendments to the approved drawings in respect of 21-31 New Oxford Street.

The Site

The application site is located in the London Borough of Camden. The building fronts on to four streets: New Oxford Street, Museum Street, High Holborn and Dunn's Passage.

The existing building is a standalone ground plus seven upper storey post war building which was used as a sorting office up until the early 1990's.

Background

Planning permission was granted on 30 March 2015 for the remodelling, refurbishment and extension of the existing building, to provide a new public roof terrace, private terraces, wintergardens, roof top plant and new entrances in connection with the change of use of the building to offices (Class B1), retail/restaurant/doctors' surgery uses (Class A1/A3/D1) and 21 affordable housing units (Class C3) along with associated highway, landscaping and public realm improvements.

Since this time, a number of amendments have been made to the scheme through the submission of non-material amendment applications. These are as follows:

- NMA 1 (ref. 2016/0713/P) – Amendments to the New Oxford Street and High Holborn corners as well as revised basement and ground floor layouts to improve efficiency. Officers have confirmed that the proposals are acceptable in principle and the application is due to be signed off imminently once the Deed of Variation is signed.

- NMA 2 (ref. 2016/2130/P) – Extension of the glazing on the eighth floor mezzanine level of the building (east elevation) to provide an improved outlook for the occupiers of the eighth floor of the proposed office building. The application was permitted on 19 September 2016.
- NMA 3 (ref. 2016/6646/P) – Amendment to the mezzanine deck at level 8 and minor changes to the north and south elevations to provide associated access doors to the terraces. This application was permitted on 13 January 2017.
- NMA 4 (ref. 2016/6646/P) – Provision of revolving doors to the main entrance, introduction of metal deck/gantry at mezzanine level within ground floor service yard area, changes to ground level retail bays along Museum Street, reduction of residential projecting frames by 100mm, re-alignment of rear façade of residential element of proposed building, changes to design of mezzanine decks and second floor mezzanine, amendment to plant screen geometry at roof level, overrun to two approved lifts serving roof terrace increased by 500mm and setting out and position of the public terrace lift core revised. This application was permitted on 18 January 2017.

Proposals

Since the previous non-material amendment application (NMA 4 ref. 2016/6646/P), there has been further refinement to the detailed design of the proposed building following a pre-letting of some of the office floorspace to an office occupier. The proposed changes consist of the following:

1. Change of use of part of the basement from ancillary retail (Class A1) to ancillary office (Class B1) for use as a gym and/or storage;
2. Increase in residential terrace balustrade height following structural level change; and
3. Amended residential cycle and bin store layout.

This letter deals with each of the proposed changes in turn below.

1. Change of use of part of the basement (level B01) from ancillary retail (Class A1) to ancillary office (Class B1) for use as a gym and/or storage

The prospective tenants have identified that they would welcome the opportunity for their office occupiers to have access to the use of a gym, and/or some additional storage space, within basement level B01 of the building. Accordingly, the Applicant is looking at converting approximately 263sqm of flexible retail (A1/A3) at basement level (B01) to ancillary office (B1) use for the provision of storage and/or a gym to serve the office occupiers.

Whilst the total change of use relates to 263sqm of floorspace, 201sqm of this relates to the actual area that will be used as a gym and/or storage, 37sqm for access and egress and 25sqm for additional cycle storage facilities.

Whilst not yet built out, the approved retail (Class A1/A3) floorspace is located at basement level (B01) on the approved plans. On this basis, it is considered likely that this area would have been used as ancillary retail for the purposes of storage and other potential back of house retail requirements. The basement space is not considered to be essential to the operation of the ground floor retail space given modern retail operational requirements which requires less storage facilities than previously. Accordingly, this floorspace is not considered to be prime lettable retail floorspace

and the use of the floorspace as an office gym and/or storage, ancillary to the primary office (Class B1) use, would be similar in nature to the currently approved retail floorspace.

The change of use will not impact on the function of the ground floor retail units or the level of active frontage surrounding the building and will not be publically accessible as it would be solely for the use of the office occupiers. Therefore it would not require additional external point of access. As the gym is located at basement level there would be no associated noise issues. The gym would be serviced and ventilated by the existing approved services so there need to give consideration to the mechanical and engineering strategy.

In the context of the scale of the scheme as a whole (approximately 40,000sqm), it is considered that this minor change is non-material, and can be dealt with as a s96a application to the permitted scheme. Furthermore, the change of use will not introduce any additional uses that are not already referred to within the description of development for the original permitted scheme. This has been discussed and agreed in principle with officers prior to the submission of this application.

Please note that this application makes amendments to the proportions of office and retail uses. Accordingly, the application is accompanied by a Deed of Variation to the s106 Agreement which will secure the resulting changes to the s106 financial contributions.

The approved and proposed areas are as follows:

	Approved (NMA 4) GEA (sqm)	Proposed (NMA 5) GEA (sqm)	Net change GEA (sqm)
Office (Class B1)	36,064	36,327	+263sqm
Retail (Class A1/A3)	4,135	3,872	-263sqm
Terrace	464	464	0sqm
Residential Use	3,379	3,379	0sqm
Total	44,042	44,042	0sqm

2. Increase in residential terrace balustrade height following structural level change

Following the raising of the structural level of the residential roof, in order to accommodate the transfer structure, the glazed portion of the residential terrace balustrade has increased in height to allow for 1,500mm from FFL (over and above the 1,100m statutory requirement due to the location of the children's play space).

Again, this change has been presented to London Borough of Camden design officers and agreed to be acceptable in principle. As with the above change, and due to the minor nature of the proposal, it is considered that this can be dealt with as a non-material amendment to the permitted scheme.

3. Amended residential cycle and bin store layout

Incoming electrical cables for the sub-stations at ground level run through the centre of the previously permitted residential cycle store layout. This has prevented the use of double stacked cycle racks in this area. Therefore the cycle store has been split in two with the refuse store

occupying the area of reduced headroom. It should be noted that the area and amount of cycles remains the same as the previously consented scheme.

Substitution Drawings

The proposed drawings are substituted against the original scheme (ref. 2014/5946/P).

As part of this non-material amendment application, we seek to substitute the following drawings:

Drawing Title	Original Approved (App. Ref. 2014/5946/P)	Current Proposed Substitution
Proposed Level B1 Floor	12141_PL_(00)_200 Rev. P05	12141_PL_(00)_200 Rev. P07
Proposed South Elevation	12141_PL_(00)_301 Rev. P05	12141_PL_(00)_301 Rev. P10
Proposed East Elevation	12141_PL_(00)_303 Rev. P04	12141_PL_(00)_303 Rev. P09

We have also provided an illustrative supporting document which explains the background behind the changes and highlights the proposed changes on the drawings.

Application Documents

Accordingly, we enclose the following documents, in support of this application, submitted via Planning Portal:

- A copy of this cover letter;
- Non-material amendment application forms;
- Site location plan;
- Approved and proposed floor plans and elevations; and
- Illustrative supporting document.

The application fee has been paid by cheque following the submission of the application on the Planning Portal (Planning Portal ref. PP-05935439).

We trust that you have everything required to validate and determine the application.

Should you have any questions in the meantime, please do not hesitate to contact either Will Rimell or Hannah Bryant, of this office.

Yours faithfully

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