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FAO: David Fowler

16 October 2018

Our ref: LJW/HBR/J10182C

Your ref: 2014/5946/P

Dear Sir

21-31 New Oxford Street, London
Section 96a of the Town and Country Planning Act 1990 (as amended)

We write on behalf of our client, 21-31 New Oxford Street Development Limited, to submit an application to make non-material amendments to planning permission ref. 2014/5946/P, namely to introduce an additional flexible use (Class D2) at part of ground and mezzanine floors of the development.

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.

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, winter gardens, 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/D2) 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. The Deed of Variation was signed and a decision was issued on 31 March 2017.
- 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.
- NMA 5 (ref. 2017/2959/P) – Change of use of part of basement from A1/A3 to B1, increase in terrace balustrade and lift overrun height and amendments to cycle and bin store layout. This application was permitted on 28 July 2017.
- NMA 6 (ref. 2017/6719/P) - Reduction in the extent of the entrance canopies, amendments to retail entrance doors, amendments to glazed opening to Dunn's Passage, amendments to Dunn's Passage upstand and addition of a void in the floorplate of levels 6 & 7 to create vertical link between levels 5 and 7. This application was permitted on 18 January 2018.

Construction works are ongoing and practical completion is anticipated for early 2019.

Proposals

Since the previous non-material amendment (NMA 6 ref. 2017/6719/P), the applicant has begun to market the ground and mezzanine floor flexible A1/A3 units.

Units 3 and 4 which are outlined red on the proposed ground and mezzanine plans enclosed are narrow and long, with limited street presence and frontage. For this reason the applicant has received very little interest in the units from retailers and restaurateurs. However, these units have attracted interest from leisure operators (Class D2) for the potential use of the units for gym/fitness studio type facilities.

Assessment of Proposed Non-Material Amendments

The Site falls within Camden's designated Central London Area and within the Tottenham Court Road Growth Area. However, it is not located within a Town Centre.

Policy TC3 of the Local Plan, which was adopted in June 2017, sets out the Council's position in relation to shops outside of town centres. The policy states that **"the council will only grant planning permission for loss of a shop outside designated centres provided:**

- a) **alternative provision is available within 5-10 minutes' walking distance;**
- b) **there is clear evidence that the current use is not viable; and**
- c) **within the Central London Area, the development positively contributes to local character, function, viability and amenity".**

We have provided a response to each of the criteria, set out under Policy TC3, below:

Criteria (a)

The site is located within the Central London Area. Whilst not located within a Town Centre, the site sits in close proximity to the Central London Frontages of Tottenham Court Road / Charing Cross Road / New Oxford Street, and High Holborn / Kingsway. These areas provide some of the best shopping facilities in London. Similarly, the site contains flexible retail and restaurant uses at ground floor level.

Accordingly, it is considered that if Units 3 and 4 did not come forward for retail or restaurant uses, there is sufficient alternative provision within 5-10 minutes' walk of the site.

Criteria (b)

This non-material amendment application is accompanied by a letter from the applicant's agents explaining how challenging it has been letting Units 3 and 4 for retail (Class A1) or restaurant/café (Class A3) uses. The letter from CBRE sets out the reason for this in greater detail but in essentially this is due to the following reasons:

- Retail market is contracting and has been for some time;
- This area is not a prime retail location which makes it less attractive to potential occupiers;
- The floorplates of Units 3 and 4 are irregular and deep which does not align with operational requirements (the mezzanines add an additional challenge); and
- Unit 4 is recessed which reduces visibility of the unit on approach, making it unattractive.

Please refer to the CBRE letter for further details.

Criteria (c)

The introduction of a Class D2 use within Units 3 and 3, to provide a flexible mix of active ground floor uses, including Class A1 and A3, is considered to improve the contribution that these units can make to the local character of the area. The proposed additional flexible use (Class D2) will provide help to provide a range of local facilities and mix of uses at ground floor level that will complement one another and assist in the wider regeneration of the area.

Class D2 uses are a typical use within the Central London Area, it being an accessible location, meaning the D2 use could serve both those that live and work in the area. Should either of the units be occupied for Class D2 purposes, an active frontage will be maintained either through ensuring that a reception area is provided at the front of the unit or potentially an ancillary café/coffee shop/juice bar type provision. This will maintain a street level interest. In any event, due to the nature of the units, this only forms a small part of the frontages along New Oxford Street and High Holborn. These units are very deep because they fill the void between the office and residential cores.

The addition of a Class D2 use, to the approved flexible mix of uses for Units 3 and 4 at ground and mezzanine levels, would amount to a potential maximum of 1,334sqm (GEA) Class D2 use within the development. The ground and mezzanine floor uses, if approved as part of this non-material amendment application, would be as follows:

Use	Existing Approved (NMA 5 ref. 2017/2949/P)	Proposed (NMA 7)
Flexible Class A1/A3	3,872sqm GEA	2,538sqm GEA
Flexible Class A1/A3/D2	0sqm GEA	1,334sqm GEA
Total	3,872sqm GEA	3,872sqm GEA

The proposals have been discussed with Camden officers who have confirmed that the proposed amendments are non-material and are considered to be acceptable in principle.

Substitution Drawings

The proposed drawings are substituted against the original scheme (ref. 2014/5946/P) this being the operative planning permission for the site.

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
Ground Floor Plan	PL_(00)_202 P05	PL_(00)_202 P11
Mezzanine Level Plan	PL_(00)_203 P05	PL_(00)_203 P10

Application Documents

Accordingly, in support of this NMA application, along with this letter, we enclose the following documents:-

- Completed application forms, submitted via the planning portal;
- Ownership certificates;
- Site location plan;
- Previously Approved and proposed floor plans; and
- CBRE (agents) letter.

The requisite fee of £234.00 (plus admin fee of £20) has been paid following the submission of the application via the Planning Portal.

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 Hannah Bryant or Jai Sidhu (0203 486 3666), of this office.

Yours faithfully



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