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London Borough of Camden
Development Control
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FAO: David Fowler

01 May 2019



Dear Sir

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

We write on behalf of our client, New Oxford Street Development Limited, to submit an application to make non-material amendments to planning permission ref. 2014/5946/P, namely to increase the size of the flexible A1/A3/D2 use (as approved under planning permission ref. 2018/5150/P) to include part of the adjacent mezzanine space.

The Site

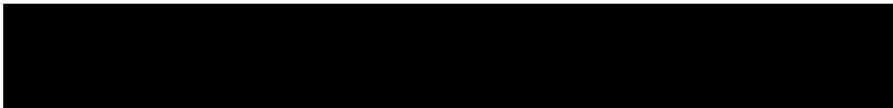
The application site is located in the London Borough of Camden. The building fronts on to four streets: New Oxford Street, Museum Street, High Holborn and Dunn's Passage.

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) 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.
- NMA 7 (ref. 2018/5150/P) - This application allowed for the introduction of an additional flexible D2 use at part ground and mezzanine floors. This application was permitted on 8 February 2019.
- NMA 8 (pending validation) - This was to amend the trigger of Condition 11 (of planning permission ref. 2014/5946/P) to make it deliverable.

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

Proposals

Since the previous non-material amendment application, the proposed gym operator has requested the use of additional mezzanine space in order to function effectively from the unit. As such, our client is seeking to extend the existing flexible A1/A3/D2 use at part ground and mezzanine level within units 3 and 4 to include a small part of the mezzanine of the adjoining unit (unit 5e).

Extending the flexible A1/A3/D2 use does not conflict with the S106 agreement. Whilst it does reduce the total amount of small independent retail area; the total area will still exceed the 350sqm required within the S106 agreement, with 359sqm being provided in total. Further to this, the S106 agreement provides for maximum units sizes (75sqm) in relation to the small independent retail units. Therefore, the reduction in size of one of the units will arguably make it more affordable for an independent retailer, as well as offering a greater variety of unit sizes for potential occupiers.

This application (NMA 9) is submitted alongside an application to discharge condition 8 and the resubmission of the small independent retail plan under the S106 agreement. As such, there is now more clarity regarding internal configurations of the ground and mezzanine units. Accordingly, in order to ensure the various plans align, this application also seeks minor amendments to some of the internal partitions. In addition, a link is proposed between units 4 and 5e, through the provision of a single doorway between the two.

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 the extension to the flexible A1/A3/D2 boundary, to incorporate part of the adjoining mezzanine floor, will not have an impact on the general public's ability to enjoy retail/restaurant offerings in this area.

Criteria (b)

As set out in the NMA 7 application (ref. 2018/5150/P) the applicant was facing difficulties in letting the existing permitted uses and an additional flexible use was sought to allow the units to be marketed and potentially occupied by a gym operator.

Since the NMA was granted discussions have progressed with the potential occupier and in order to operate effectively from their unit they require some additional mezzanine space.

For reference we have re-submitted the letter from CBRE which sets out the challenges associated with letting the space purely under a Class A1/A3 use.

Criteria (c)

The extension of this flexible Class D2 use at mezzanine level will help to ensure a viable use for the development. Being able to secure a gym operator will increase footfall into and around the building, which in turn will promote the letting of the small independent retail units, creating an active frontage along High Holborn.

It is not considered that the additional mezzanine space proposed to be used as a flexible A1/A3/D2 use will have a negative impact on the local character and function of the area. The variation in size of the small independent retail units helps to provide a variety of unit sizes making them more viable for potential small independent retailers.

The proposals relate to 28sqm GEA of additional flexible class A1/A3/D2 floorspace which is considered insignificant in the context of the scale of the scheme as a whole.

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 P12
Mezzanine Level Plan	PL_(00)_203 P05	PL_(00)_203 P11

This NMA application has being submitted alongside an application to discharge Condition 8 (detailed ground and mezzanine layout plans) and revised small independent retail plans to re-satisfy S106 Clause 4.14.1 (small independent retail plan).

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.



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 [redacted] of this office.

Yours faithfully



Gerald Eve LLP

