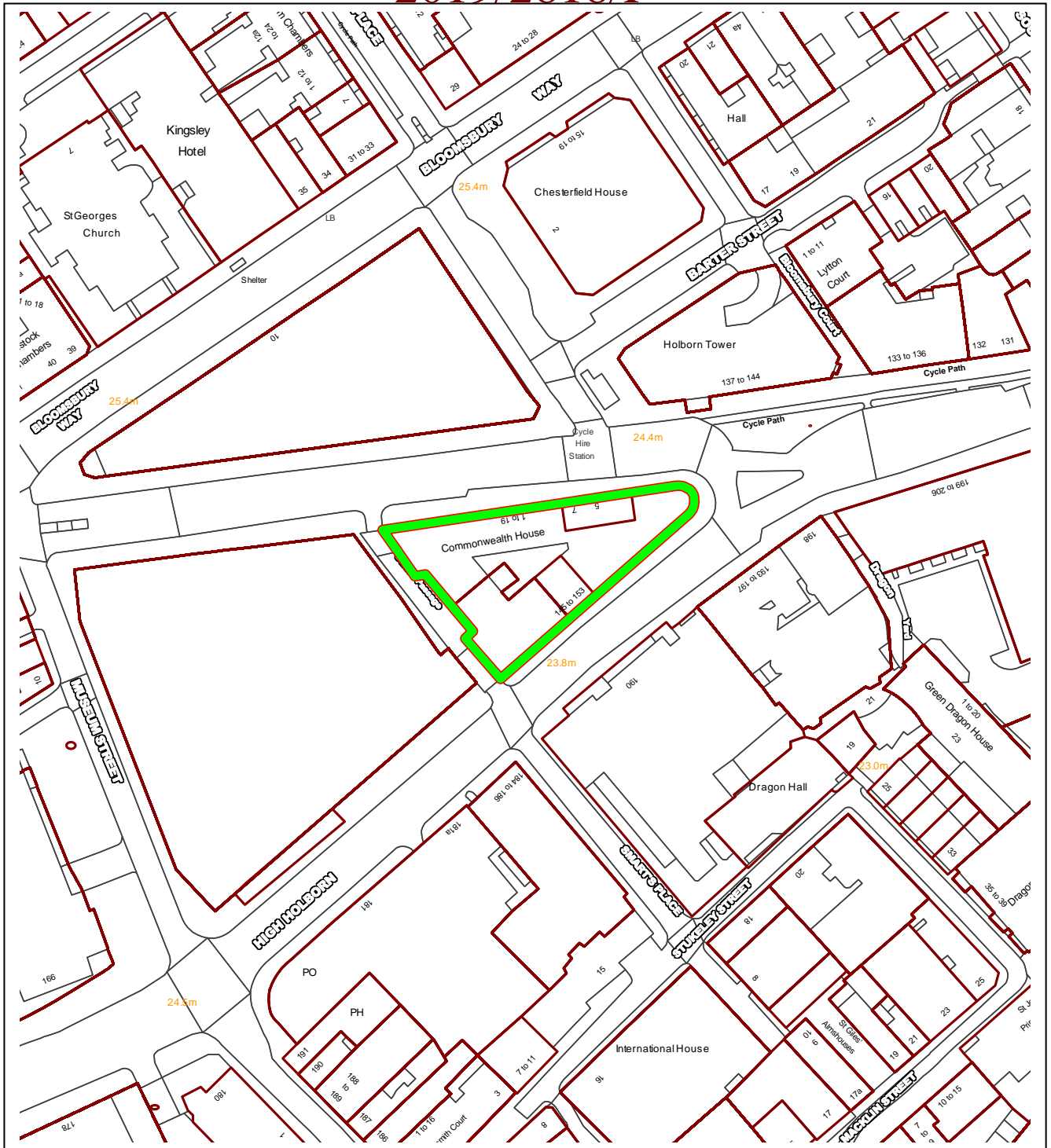


# 1 New Oxford Street, London 2019/2818/P



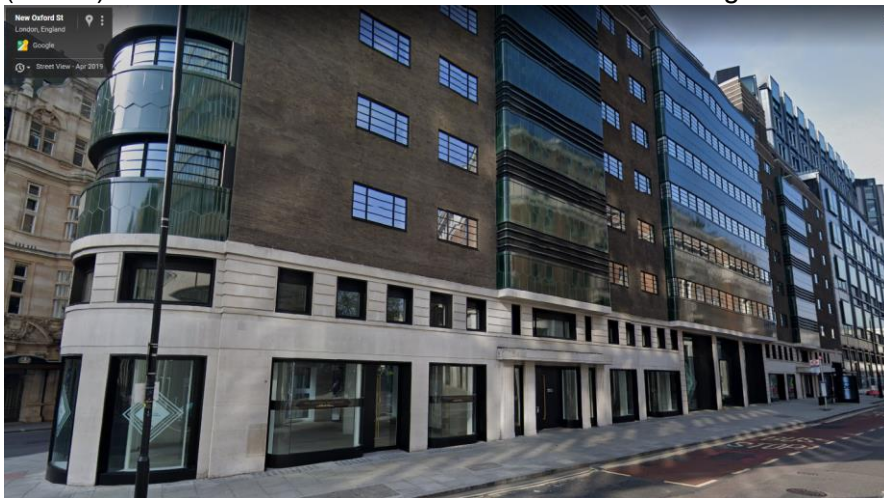
This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.

2019/2818/P – 1 New Oxford Street, Units 4, 5 and 6.

Site photos



(Above): Front elevation of 1 New Oxford Street showing vacant units on the ground floor



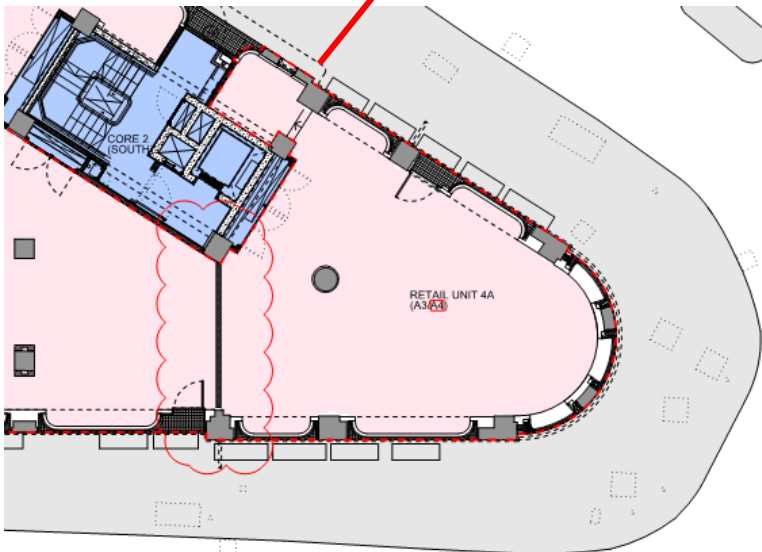
(Above): Ground floor of building fronting onto New Oxford Street



(Above): Ground floor of building fronting onto High Holborn



(Above): Ground floor of Unit 4a

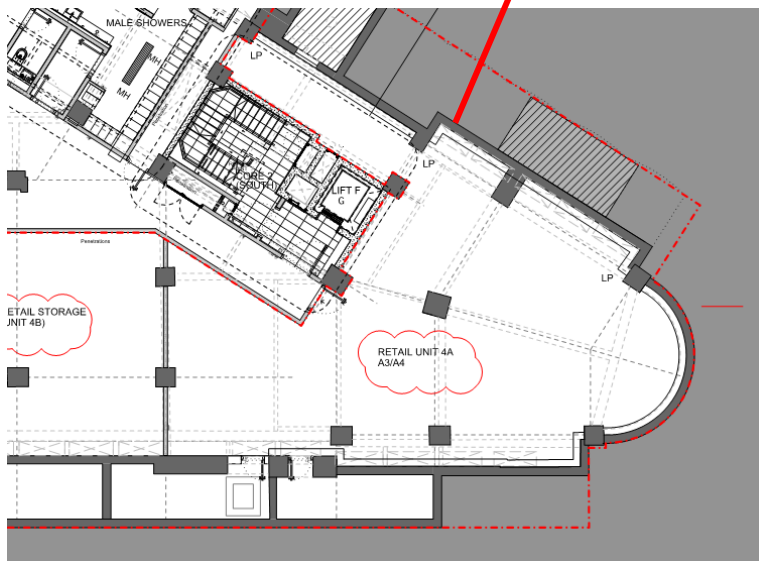


(Above): Proposed plan showing location of unit 4a on ground floor plan





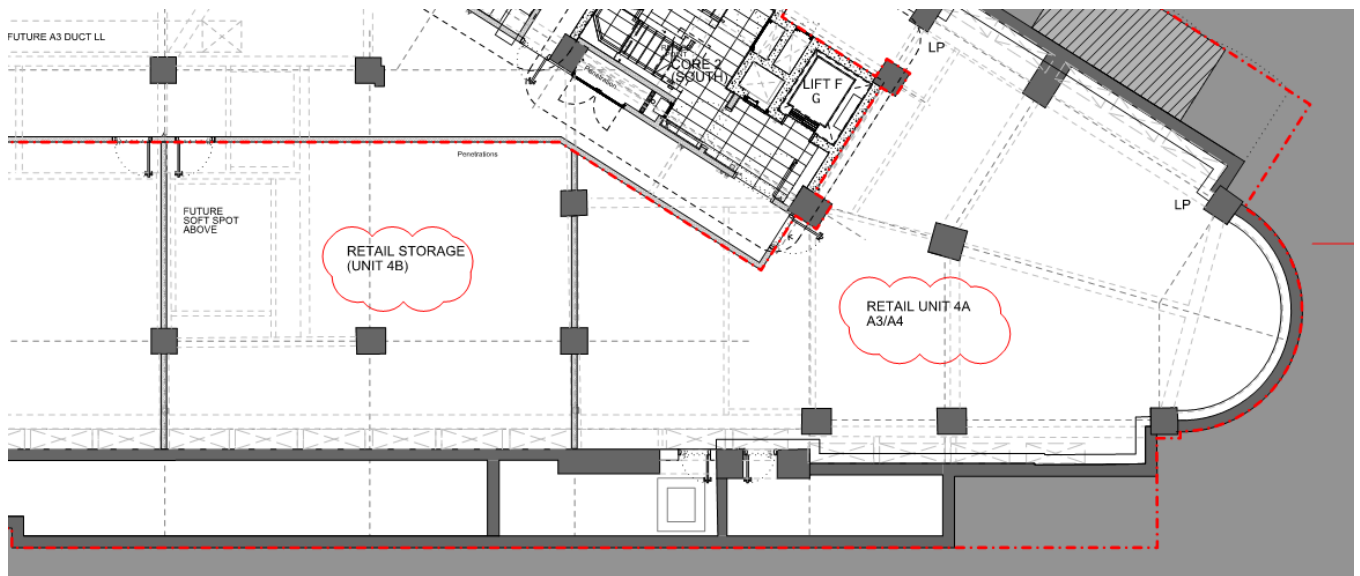
(Above): Basement area of unit 4a



(Above): Proposed plan showing location of unit 4a on basement plan



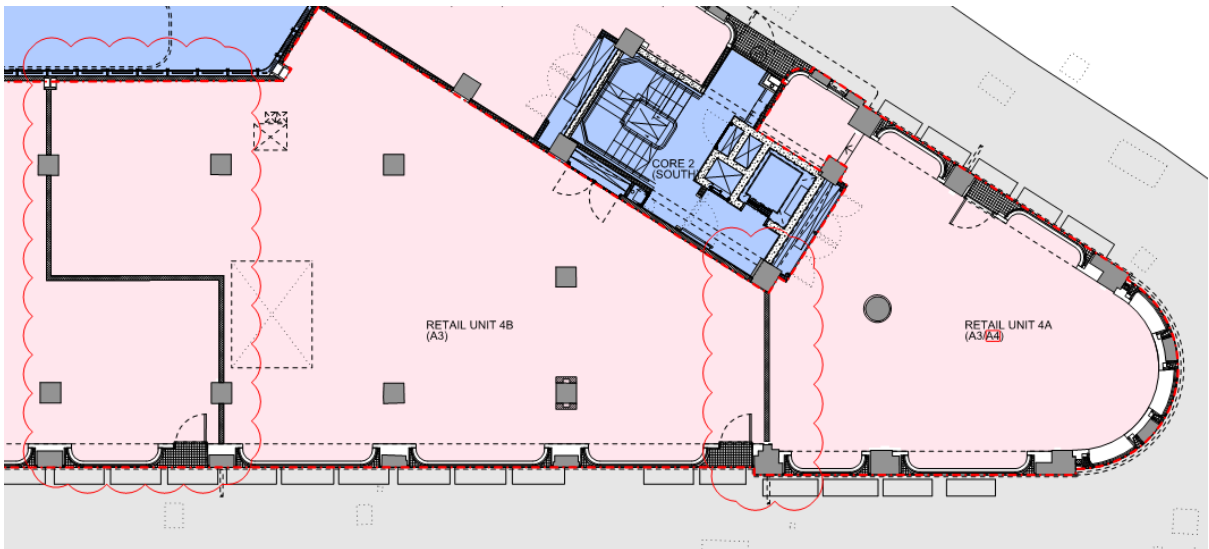
(Above): Retail storage area in Unit 4B at basement level



(Above): Proposed plan showing location of retail storage area (Unit 4B) at basement level



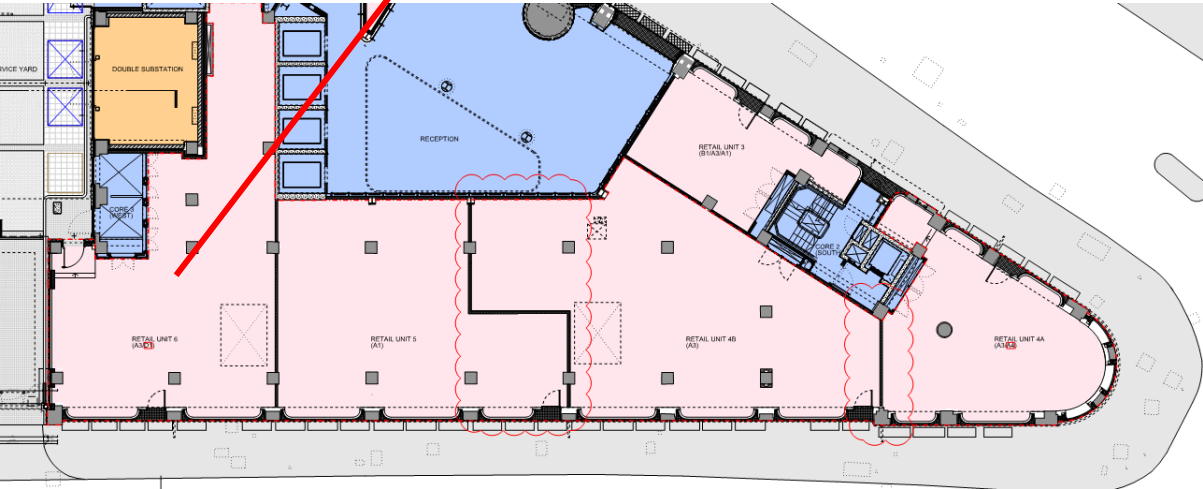
(Above): Ground floor of Unit 4B



(Above): Proposed plan showing the location of ground floor Unit 4B



(Above): Ground floor of Unit 6

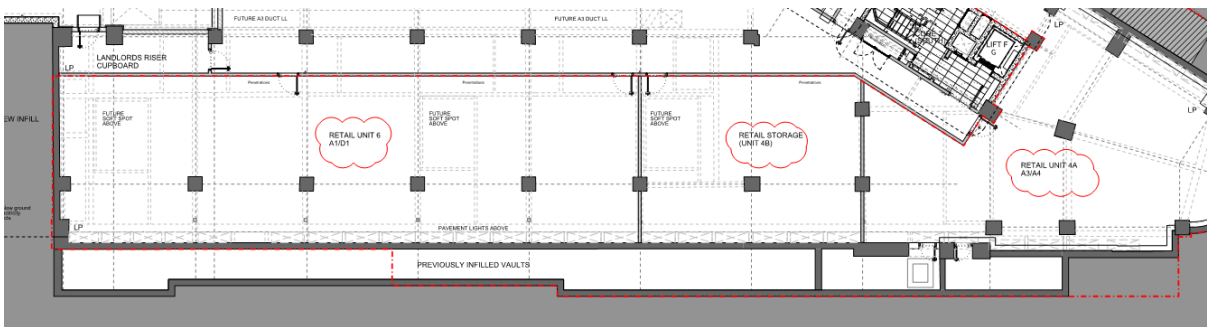


(Above): Proposed plan showing the location of Unit 6 at ground floor level





(Above): Basement of Unit 6



(Above): Proposed plan showing the location of Unit 6 basement level



<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>20/09/2019</b>
<b>(Members Briefing)</b>		N/A / attached	<b>Consultation Expiry Date:</b>	<b>01/09/2019</b>
<b>Officer</b>			<b>Application Number(s)</b>	
Elaine Quigley			2019/2818/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
1 New Oxford Street Units 4, 5 and 6 London			Refer to draft decision notice	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
Subdivision of unit 4 at basement and ground floor level and change of use from A3 (restaurant) to flexible use A3 (restaurant)/A4 (drinking establishment), change of use of unit 6 from A3 (restaurant) to A3 (restaurant)/D1 (non-residential institution) and change of use of part of the basement and increase in size of unit 5 (A1).				
<b>Recommendation(s):</b>		<b>Grant Conditional Planning Permission</b>		
<b>Application Type:</b>		<b>Full Planning Permission</b>		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	00
Summary of consultation responses:	A site notice was displayed from 07/08/2019 to 31/08/2019 and a press notice was advertised from 08/08/2019 to 01/09/2019. No written responses were received following this statutory consultation process.					
CAAC/Local groups* comments:  Covent Garden Community Association	<p><b>Covent Garden Community Association – objects</b></p> <ul style="list-style-type: none"> <li><u>A4 use and impact on local amenity</u> Patrons leaving an A4 unit late in the evening is likely to reduce residential amenity in a way that those leaving a food-led A3 operation are far less likely to do, and ask that we refuse A4 elements of the application  <i>Officer's response: See Amenity section para 3.9 to 3.10</i></li> <li>No objection to the change of use to D1 for clinic proposed however D1 can be used for a variety of activities within the D1 use class that can involve large numbers of people  <i>Officer response: See Amenity section para 3.11, a condition would restrict alternative D1 uses</i></li> <li><u>Conditions requested on other uses to reduce impact on local amenity</u> Ask that all uses are conditioned upon hours of use to protect residential amenity from large numbers of passers-by at unsocial hours  <u>A3 uses</u> Monday to Thursday 8am to 11:30pm Friday 8am to midnight Saturday 9am to midnight Sunday 10am to 10:30pm  <u>A1 uses</u> Monday to Friday 8am to 10pm Saturday 9am to 10pm Sunday 10am to 9pm  <u>D1 use</u> Monday to Saturday 8am to 8pm Sunday 9am to 6pm  <u>Servicing and deliveries</u> Monday to Friday 8am to 8pm Saturday 9am to 8pm Sunday 10am to 6pm  <i>Officer's response: See Amenity section para 3.9 to 3.12</i></li> </ul> <ul style="list-style-type: none"> <li>Acknowledge the applicants desire to replace A1 with A3 and A4 use to increase the site's income yield. However we note that the area is generally set to become more of a retail destination with the redevelopment of the building immediately to the west (former GPO sorting office) including extensive ground floor retailing, as well as other redevelopments in the vicinity of One New Oxford Street. We believe that there is a good case for</li> </ul>					

the applicant to preserve a lettings strategy led by A1.

*Officer's response: See Loss of A3 use section para 3.3*

## Site Description

The site occupies a triangular site between High Holborn and New Oxford Street. Its apex is at the junction of the two streets. The 1930's building (formerly known as Commonwealth House) is a purpose-built office building comprising a double-height ground floor that is currently vacant with 8 office floors above. The three sides of the building are arranged around a central lightwell.

The building lies within the Bloomsbury Conservation Area and is identified as making a positive contribution to the character and appearance of the Conservation Area. The site's surroundings are predominantly commercial. The building immediately to the west is the part 7/part 11-storey former GPO sorting office (now known as the Post Building) that was remodelled and refurbished in 2018. This is separated from the application site by Dunn's Passage.

The site lies within the Central London Area but is not located within a protected town centre.

## Relevant History

Planning permission was **granted** (ref 2014/4983/P) on 30/01/2015 for demolition and reconstruction of 7th and 8th floors, erection of a roof extension at 9th floor level and infill works to provide additional office floorspace (Class B1a) and new roof top plant. Changes of use at ground floor level from retail (A1/A3) to provide a relocated and enlarged office entrance (B1a), retail and food and drink uses (A1/A3) and flexible office and retail use (B1a/A1/A3) with associated alterations to shop fronts, replacement of all existing upper floor windows, recladding of the elevations, works to Dunns Passage and other enabling works for refurbishment of existing offices (B1A).

Planning permission was **granted** (ref 2016/0122/P) on 29/06/2016 for Amendments to planning permission 2014/4986/P dated 30/01/2015 demolition and reconstruction of 7th and 8th floors, erection of a roof extension a 9th floor level and infill works to provide additional office floorspace (Class B1a) and new roof top plant. Changes of use at ground floor level from retail (A1/A3) to provide a relocated and enlarged office entrance (B1a), retail and food and drink uses (A1/A3) and flexible office and retail use (B1a/A1/A3) with associated alterations to shop fronts, replacement of all existing upper floor windows, recladding of the elevations, works to Dunns Passage and other enabling works for refurbishment of existing offices (B1a): namely retention of existing portland stone signage band and amendments to Western Thoroughfare (including alterations to fenestration, replacement of brick slips with render, increased articulation to brickwork, removal of mezzanine floor windows, revised louvre design, amendments to flooring materials and replacement of brick wall with metal balustrade).

## Relevant policies

### The London Plan (2016)

### The Draft New London Plan 2019

### The National Planning Policy Framework (2019)

### Camden Local Plan (2017)

TC3 Shops outside of centres

D1 Design

D2 Heritage

A1 Managing the impact of development

A4 Noise and vibration

C5 Safety and Security

CC5 Waste

T2 Parking and car-free development

### Camden Planning Guidance (CPG)

CPG Design (2019)

CPG Community uses, leisure and pubs (2018)

CPG Town Centres and retail (2018)

CPG Amenity (2018)

CPG Transport (2019)

Camden's Statement of Licensing Policy 2017-2022



## Assessment

### 1.0 Background

1.1 The original permission included the creation of A3 uses at ground floor level within unit 4 (236.9 sq. m) and unit 6 (220 sq. m). The basement floor was separated into two areas (369 sq. m in total) to be used as storage in associated with the ground floor retail units (A1, A3 and A4 uses). A specific condition was attached to the permission restricting the hours of use of the A3 use to Monday to Thursdays 08:00 to 23:30, Fridays and Saturdays 08:00 to 00:00 and Sundays and Bank Holidays 08:00 to 22:30. A condition restricting the playing of any audible music was also attached.

### 2.0 Proposal

2.1 Permission is sought for subdivision of unit 4 at basement and ground floor level and change of use from A3 (restaurant) to flexible use A3 (restaurant)/A4 (drinking establishment), change of use of unit 6 from A3 (restaurant) to A3 (restaurant)/D1 (non-residential institution) and change of use of part of the basement and increase in size of unit 5 (A1).

2.2 The proposal includes:

- Subdivision of unit 4 with authorised use as A3 restaurant into two units (4a and 4b)
- Change of use of unit 4a from A3 to flexible A3/A4 use (89 sq. m) including part of the basement (144 sq. m)
- Increase in the size of unit 5 with authorised use as A1 retail from 107 sq. m to 137 sq. m
- Change of use of unit 6 from A3 (220 sq. m) to A3/D1 use (161 sq. m) including part of the basement (221 sq. m)

2.3 The units front mainly onto High Holborn with part of Unit 4 fronting onto New Oxford Street and High Holborn. The remaining approved retail units fronting onto New Oxford Street (Units 1, 2 and 3) do not form part of the proposal.

2.4 The agent has advised that discussions are ongoing with a reputable high-end cocktail/food concept operator to rent the unit 4a that would have a flexible use as restaurant (A3) and/or drinking establishment (A4). There is no tenant secured as yet for the unit 5 (retail). Terms have been agreed with a private clinic which offers non-invasive cosmetic and beauty treatments to rent unit 6 that would have a flexible use as restaurant (A3), or non-residential institution (D1).

2.5 Following further discussions with the agent during the course of the application the entrances to ground floor units have been clarified. Units 4a and unit 4b would have separate single entrances into the premises from street level with Unit 4a (A3/A4 use) being accessed from New Oxford Street and Unit 4b (A3 use) being accessed from High Holborn. Neither unit would have direct access to the basement from street level.

### 3.0 Assessment

3.1 The main issues to be considered as part of the proposal are:

- Loss of A3 floorspace
- Creation of drinking establishment (A4) and private clinic (D1) uses
- Amenity
- Transport
- Safety and security

#### Loss of A3 floorspace

3.2 Camden Local Plan policy TC3 is relevant for shops outside of Town Centres and outlines criteria for the loss of shops. The proposal would include the potential loss (as the uses would be flexible) of 250 sq. m of A3 floorspace. It should be noted that the premises could continue to be used for Class A3 purposes as the proposal is for a flexible A3/A4 use and A3/D1 use, which whilst a Class A use, is not a Class A1 retail shop and does not have any formal protection within the Development Plan. It must also be noted that the building is recently refurbished and the ground floor units are not occupied. Consequently the loss of A3 floorspace at ground and basement floor levels would be considered acceptable.

3.3 The Covent Garden Community Association (CGCA) suggests that the applicant should continue to preserve a lettings strategy led by A1. The flexible permission would not alter the proportion of approved retail (Class A1) units within the ground floor of the building. In fact there would be a small increase of 30 sq. m A1 retail floorspace due to reconfiguration of the ground floor internal layout of the units fronting onto High Holborn. It would therefore be unreasonable to require additional A1 floor space to be provided on site.

#### Creation of drinking establishment (A4) and private clinic (D1) uses

3.4 Given the mix of commercial uses in the area, it is considered that Class A4 and D1 uses would represent appropriate uses in this locality and would be considered acceptable in principle in this urban Central London context.

3.5 The proposed A3/A4 use would permit restaurant or bar style operations and allow the sale of alcohol (which would be sought under a separate licencing process). There is no objection in principle to a flexible A3/A4 use, and it is considered that it would have an acceptable impact on neighbours given its location on part of the ground floor of the building where High Holborn and New Oxford Street meet. This needs to be read alongside the assessment on amenity below. The area is urban with traffic and pedestrians inevitably creating some noise throughout the day and into the evening however the playing of music and hours of use would be controlled by condition (see amenity section below). The closest pubs or bars to the site are more traditional pubs including the Princess Louise on High Holborn (a short walk (90m) to the east) and The Old Crown Pub on New Oxford Street (again a short walk (130m) to the west). The proposed uses would add to the range of uses along this part of New Oxford Street without resulting in a concentration of this development type.

3.6 The provision of a private clinic which offers non-invasive cosmetic and beauty treatments would be considered acceptable. The new occupier has confirmed that the ground floor would be used to sell high skin care products which would be similar in terms of its layout and use to a retail unit. The basement would be used as clinic rooms to provide the various treatments. The D1 use would add to the character, function and vitality of this part of the Central London Area.

3.7 It is considered that the proposed uses would continue to contribute positively to the character, function and vitality of the centre.

3.8 An informative would be added denoting that the flexible use units, if granted, would give flexibility for use for 10 years from the date of the permission. After 10 years the lawful use would revert to whichever of the uses is taking place at the time within the unit.

### **Amenity**

3.9 The closest residential occupiers are the future occupiers of the neighbouring building at the 23-31 New Oxford Street (the Post Building) that lies directly to the west. The residential units are located on the southern corner wrapping around to Dunn's Corner. New Oxford Street is a busy thoroughfare, which experiences a high level of general activity, particularly in the evenings. It is not considered that allowing the flexible change of use of the units would cause significant levels of harm to any nearby residential properties. Although the introduction of a drinking establishment (Class A4) has the potential to result in a more intensive/disruptive operation than a restaurant A3 use, the operational hours of the A3 or A4 use would be conditioned as part of any permission to reflect the hours of operation of the A3 uses conditioned as part of the original permission (Monday to Thursdays 08:00 to 23:30, Fridays and Saturdays 08:00 to 00:00 and Sundays and Bank Holidays 08:00 to 22:30). These are similar opening hours to the pubs which are in close proximity to the site. The CGCA have requested that more stringent operational hours be placed on all the uses including the A1 use. The hours of operation would align with those attached to control the A3 uses as part of the original permission and at 21-31 New Oxford Street directly adjacent to the site and would be considered appropriate. Potential noise created outside of the premises including customers and staff leaving the venue will be controlled by condition of the operational hours.

3.10 In terms of music, the A4 use would be occupied by a high end cocktail/food concept operator who would want to play some form of background music. A condition was attached to the original permission that no music should be played on the premises in such a way as to be audible from the street. This condition would be attached to any permission to safeguard adjoining premises as well as the area generally and has been agreed with the agent.

3.11 The proposed private cosmetic and beauty treatments clinic (D1 use) is unlikely to result in any unacceptable level of disturbance to nearby residents by way of noise or general disturbance, particularly given the Central London location. Conditions would be attached to any permission to maintain nearby residential amenities. In particular the D1 use would be restricted specifically to a private clinic or medical clinic, as proposed here, to prevent the possibility of a future operation for another D1 use which may have greater impacts on amenity and transport conditions. Given the approved use of the floorspace at restaurant use (A3), which allowed opening hours until 23:30 daily and 00:00 on Fridays and Saturdays, it is considered that the proposed private cosmetic and beauty treatment clinic would form a less intrusive use. Given that the flexible use is proposed a condition would still be required to control the A3 use thus the same opening hours would be required and would be secured by condition.

3.12 Overall, it is considered that if the flexible use were to result in a more intensive use, that this could be

controlled by the conditioned operational hours, which would ensure there is no undue harm to the residential amenities of nearby and neighbouring properties.

### **Transport**

3.13 Given the location, nature of the use and current servicing arrangements, the proposal is considered not to cause harm to existing highways/transport arrangements. The servicing of the units would remain the same as the original permission. Deliveries to the upper floor offices and the ground floor retail units would be undertaken from two loading bays adjacent to Dunn's Passage and an existing loading bay on New Oxford Street directly adjacent to the site.

### **Safety and security**

3.14 Policy C5 (e) seeks to ensure that developments take responsibility for reducing opportunities for crime through effective management and design. The proposed introduction of a drinking establishment use (Class A4) could result in potential implications in terms of premises and customer's safety and security. The proposed A4 use would be located on High Holborn and New Oxford Street in an area that is highly accessible via public transport, including night buses and the night tube. The highway in front of the premises is of a considerable width to cater for customers leaving the venue and making their way to various forms of public transport located in close proximity. It is therefore not considered that patrons exiting the premises would result in disruptive congregations or issues of anti-social behaviour (ASB). The Designing Out Crime Officer has reviewed the proposal and advised that each use should have their own entrances and exit without any cross over between the two (accessing from High Holborn and exiting from New Oxford Street) to ensure that the location would not be vulnerable to crime. The agent has confirmed that Units 4a and unit 4b would have separate single entrances into the premises from street level with Unit 4a (A3/A4 use) being accessed from New Oxford Street and Unit 4b (A3 use) being accessed from High Holborn. Neither unit would have direct access to the basement from street level. This would ensure that any potential opportunity for crime related incidents would be minimised through single entry and exit points.

### **4.0 Conclusion**

4.1 Grant conditional planning permission.

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 4<sup>th</sup> November 2019, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.***

Application ref: 2019/2818/P  
Contact: Elaine Quigley  
Tel: 020 7974 5101  
Date: 31 October 2019

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

Phone: 020 7974 4444

[planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
[www.camden.gov.uk](http://www.camden.gov.uk)

DP9 Ltd  
100  
Pall Mall  
LONDON  
SW1Y 5NQ

# DRAFT

Dear Sir/Madam

**DECISION**

Town and Country Planning Act 1990 (as amended)

## **Full Planning Permission Granted**

Address:

**1 New Oxford Street  
Units 4  
5 and 6  
London**

# DECISION

Proposal: Subdivision of unit 4 (at basement and ground floor level) and change of use from A3 to flexible use A3/A4, change of use of unit 6 from A3 to A3/D1 and change of use of part of the basement and increase in size of unit 5 (A1).

Drawing Nos: 1975 PL 61 rev P2; 1975 PL 62 rev P2; 1975 PL 92 rev P3; 1975 PL 93 rev P02; Covering letter from DP9 dated 30th May 2019; Email dated 30th September produced by Hugh Morgan of DP9.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).



- 2 The development hereby permitted shall be carried out in accordance with the following approved plans 1975 PL 61 rev P2; 1975 PL 62 rev P2; 1975 PL 92 rev P3; 1975 PL 93 rev P02; Covering letter from DP9 dated 30th May 2019; Email dated 30th September produced by Hugh Morgan of DP9.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 Notwithstanding the provisions of Class D1 use of the Schedule of the Town and Country Planning (Use Classes) Order, 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, the premises shall only be used as a private cosmetic beauty treatment clinic or surgical clinic.

Reason: To ensure that the future occupation of the building does not adversely affect neighbouring amenity by reason of noise, traffic congestion or excessive on-street parking pressure, in accordance with policies A1 and T2 of Camden Local Plan 2017.

- 4 The Class A3 and / or A4 uses hereby permitted shall not be carried out outside the following times: 08:00 to 23:30 Monday to Thursdays, 08:00 to 00:00 on Fridays and Saturdays and 08:00 to 22:30 on Sundays and Bank Holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies D1, A1, A4 and TC3 of the London Borough of Camden Local Plan 2017.

- 5 No music shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies D1, A1, and A4 and TC3 of the London Borough of Camden Local Plan 2017.

#### Informative(s):

- 1 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).

- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 4 You are advised that condition 4 means that no customers shall be on the premises and no noise generating activities associated with the A3 and or A4 use, including preparation and clearing up, shall be carried out otherwise than within the permitted time.
- 5 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.
- 6 You are advised that if implemented, the alternative use permission hereby granted gives flexibility of use for 10 years from the date of this permission. After 10 years the lawful use would revert to whichever of the uses is taking place at the time.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Director of Regeneration and Planning