



GERALDEVE

London Borough of Camden
2nd Floor, 5 Pancras Square
London
N1C 4AG

10 August 2021

Our ref: GAO/ANE/CHST/J7623B

Your ref: PP-10100894

FAO: Ewan Campbell

Dear Sir / Madam

**Castlewood House and Medius House
Town and Country Planning Act 1990 (as amended)
Section 73 Application for Minor Material Amendments to Planning Permission 2017/0618/P**

We write on behalf of our client, The RLUKREF Nominees (UK) One Limited and RLUKREF Nominees (UK) Two Limited, to submit a Section 73 Application to vary planning permission (ref: 2017/0618/P) for a change of use to Class E at the aforementioned address at Castlewood and Medius House, 77-91 and 63-69 New Oxford Street, London, WC1A 1DG.

Background

As you will be aware planning permission was granted on 21 December 2017 for the following development:

Demolition of existing office building at Castlewood House (Class B1), and erection of an 11 storey office building (Class B1) with retail and restaurant uses (Class A1/A3) at ground floor level; enlargement of existing double basement level and formation of roof terrace and rooftop plant along with associated highways, landscaping and public realm improvement works. Partial demolition of Medius House with retention of the existing façade, and erection of a two storey roof extension including private roof terraces, in connection with the change of use of the building from office (Class B1) and retail (Class A1) to provide 18 affordable housing units (Class C3) at upper floor levels with retained retail use at ground floor level.

The planning permission is subject to a Section 106 Agreement of the same date.

Pre-Application Discussions

Pre-application discussions were undertaken on 31st March 2021 with Charlotte Meynell at London Borough of Camden. A summary of feedback is provided below:

We consider the proposal to replace the approved A1/A3 floorspace at basement level with additional plant to serve the offices above to be a change of use from A1/A3 to B1. As you're aware, since 1st September 2020, retail, restaurant and office uses now fall within the new Class E, and a change between these uses no longer constitutes development. However, in order for this to work, the "original" use would have to have been carried out for a

reasonable period of time. As the current use has not been implemented at basement level, we consider that the proposals would constitute development. This would be a material change of use, and as such, the submission of a Section 73 application would be the most appropriate route to deal with the amendments.

Given that there would not be a reduction in the number of A1/A3 units to be provided, just additional floorspace at basement level, this change of use should not be contentious.

Accordingly, we submit a S73 application for a change of use to Class E.

Proposed Works

As part of separate NMA design changes (ref: PP-10100828), a number of sustainable improvements are being brought forward in response to the current commercial climate and the changing market. These changes aim to improve the quality of the building for its occupiers, involving the reconfiguration of the basement floors to accommodate an uplift in plant equipment.

As a result of these non-material changes, a minor reduction in A1/A3 floor space at basement level, and replacement of this with ancillary office space (B1) is required. As of 1st September 2020, these uses all constitute Class E.

As set out within the pre-application summary, whilst a change of use within Class E no longer constitutes development, this is only applicable where the original use has been implemented. Accordingly, this S73 application seeks a change of use to Class E to facilitate the proposed works and provision of plant associated with the existing office space.

Planning Policy Framework

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Statutory Development Plan unless material considerations indicate otherwise.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also provides that, in respect of development affecting conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Planning policy operates at three levels. Proposals for the site would be assessed against planning policy contained within the National Planning Policy Framework (2021), the London Plan (2021) and Camden's Local Plan (2017).

Assessment

On the 21st July 2020, the Government announced changes to the Use Classes Order which came into effect on 1st September 2020. The amendments to the Use Classes Order demonstrate the clear intention of the Government to introduce flexibility for businesses to adapt and diversify to meet changing demands. These changes aim to ensure the long-term sustainability of commercial uses, considering it important that

high streets can adapt to changing consumer demands and behaviours, and the challenges posed by external influences.

As set out within page 3 of the accompanying design document, the need, viability and occupier's connection with office space has been under unprecedented scrutiny the past year following the impacts of the Covid19 pandemic and UK lockdown measures. Studies by Royal London's joint leasing agents, JLL and CBRE reinforce that these changes form part of a response to the acceleration of already forming trends required by occupiers, which sit under three key items: sustainability, wellness and technology. In addition, these improvements would ensure the continued viability of the scheme when it comes to obsolescence.

The proposed change of use to Class E is therefore entirely in accordance with aspirations and flexibilities at the national level, and was considered by Officers at London Borough of Camden to be acceptable during pre-application discussions.

Application Documentation

In accordance with Camden's application requirements, the following documents have been submitted as part of this S73 application:

- Application form;
- This covering letter;
- Design changes document, prepared by Apt; and
- Drawings, prepared by Apt.

The requisite application fee of £234 has been made via the Planning Portal.

Should you have any queries please do not hesitate to contact Alex Neal (020 7333 6301) or Chloe Staddon (020 486 3417 of this office.

Yours faithfully

Gerald Eve LLP

Gerald Eve LLP

cstaddon@geraldeve.com
Direct tel. +44 (0)20 486 3417
Mobile +44 (0) 7717 348812