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Your reference
St/CJS
Our reference APP/4404/A/6125
APP/4408/A/6152
Date 15 JAN 1973

Gentlemen

PLANNING AND COUNTY PLANNING ACT 1971 - SECTION 26
(FOREIGN SITES 23 OR 1962 ACT)
APPLICANTS: THE CITY OF LONDON

APPLICATIONS: NCS A/1P/7583, N13/30/A/11610

I am directed by the Secretary of State for the Environment to say that consideration has been given to the report of the Inspector Mr W Berridge MA, MA, FRIBA, FRTP, to hold a local inquiry into your client's appeals against the decisions of

a the Council of the City of Westminster to refuse planning permission for the redevelopment of the sites of nos 19-22 Devereux Place and nos 11-12 Gresse Street, No 1 by the erection of a thirteen storey block of flats and maisonettes and two public houses fronting Percy Place and public house with music enter over at the southern end of the site fronting Devereux Place,

b the Council of the London Borough of Camden to refuse planning permission for the redevelopment of 18-28 Tottenham Court Road, 6 Stephen Lane, 23-25 Rathbone Place, Tudor House, Percy House, 31 Gresse Street, Stamen Buildings, Gresse Buildings Henry Buildings, 1-13 Stephen Street 11-13 Percy Street and all properties in such Place by a complex comprising 267,000 sq ft of offices, 13,000 sq ft for carpark, 40,000 sq ft for studios, 21,500 sq ft for shops 12,500 sq ft for cinema, 5,000 sq ft for two public houses, and 99,000 sq ft for 88 residential units

A copy of the report is enclosed

2 The Inspector said in his conclusions -

"I consider that a special need exists for the appellants to assemble their London offices in one central location and that the main issue is whether this need is sufficiently strong to override the planning objections. These objections raise 3 main issues: the effect of the proposed development on congestion, the consequences of increasing the employment potential in the locality, and the impact of the proposals on the character and functions of the area

b so far as congestion is concerned, the site does not appear to be exceptional in the context of the West End so far as the adequacy of roads or public transport is concerned. The floor space applied for falls within the specified lot ratio and the main issue is, I consider, whether a different mixture of uses could produce fewer pedestrian or vehicular movements. I am not satisfied that this would be the case as the proposed offices include ancillary uses of an exceptional nature, leading to a lower overall occupancy rate than normal office development, and the suggested substitution of industry might well lead to a more intensive use of the floor space.

c with regard to the effect on employment, the granting of an ODP indicates that the appellants' case for centralising their London offices has been accepted in principle. I see no local considerations of an exceptional nature relating to the appeal site such as to make it less suitable for the proposed development than other sites in central London. As no building capable of satisfying the appellants' special needs appears to exist, I consider that, so far as the effect on the distribution of employment is concerned, the objections to the proposed use of the site are inconclusive.

d so far as the character of the area is concerned, I consider that the site is generally in need of redevelopment and, with the exception of the frontage to Percy Street, has little architectural merit. The retention of the corner site comprising nos 19 Percy Street and nos 57 and 58 Tottenham Court Road until such time as the improvement line is implemented would, I consider, lead to an unsatisfactory appearance if the proposed new buildings are set back to conform with the improvement line, but I am of the opinion that serious consideration should be given to the possibility of incorporating nos 14 to 18 Percy Street in the redevelopment scheme. Number 14 Percy Street is of special importance as it appears to have retained its original brick facade and nos 15-18 contribute greatly to the Georgian character of the street as a whole. However these matters which could more appropriately be considered at a detailed stage and in the light of any further evidence submitted in connection with the appeal against the refusal of listed building consent, if this is pursued.

e With regard to the height of the proposed buildings, I do not think that the area calls for special emphasis and as a personally of the opinion that any new buildings should not exceed 6 storeys in height. I see no reason why a satisfactory design incorporating the accommodation applied for should not be achieved within this limitation.

f so far as the functions of the area are concerned, I consider that some change in the existing pattern of land use is inevitable if redevelopment is to take place. I do not think that the amount of residential accommodation proposed is unreasonable, or that the need to replace the existing industrial buildings is so well established as to justify refusal of the appellants' proposals on this account.

g on balance I consider that the economic and other advantages which would accrue from the proposed redevelopment outweigh the planning objections."

He recommended that both appeals should be allowed, and that your clients should be asked to give careful consideration to the possibility of retaining nos 14 to 18 Percy Street in their overall proposals.

3 There is no disagreement with the Inspector on his findings of fact or on any question of fact, but a somewhat different view is taken of the balance of the arguments. The Inspector's opinion that your clients have established a special need to assemble all their offices in one central location in London, and that the appeal site is generally in need of redevelopment, is accepted. But these factors have to be assessed in the light of the general policy on office growth in the central area set out in the Initial Development Plan and mentioned by the Camden Council in their reasons for refusal of permission. The conclusion formed is that the particular development now proposed does

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not accord with the approved policy of restricting office development in central London, and that in the light of the terms of sections 19 and 20(vi) of Part III of the written Statement of the Initial Development Plan it cannot be regarded as appropriate. The reasons for this conclusion are that the amount of office accommodation included in the scheme under appeal is substantially greater than that existing on the site and that it is considered to be unacceptably high in relation to other uses proposed in the scheme, especially residential accommodation.

4. At the inquiry evidence was given about proposals in the submitted Greater London Development Plan (and in suggested revisions thereto put forward more recently by the Greater London Council) for the future allocation of office floor space in the Greater London Area, and it has been necessary to consider how far they should be regarded as relevant to this appeal. The view taken is that whatever modifications to the current policy on office growth in Central London might follow consideration of the report of the Panel of Inquiry into the Greater London Development Plan, no general departure from the policy set out in the Initial Development Plan could be justified at the present time. Thought has been given to the contention made on behalf of your clients that the proposed development would have planning advantages of the kind indicated by the Greater London Council as justifying favourable consideration of schemes containing new office development. But whether or not such a contention could in any circumstances justify a special exception to the established policy, or the evidence before the Secretary of State in the present instance your clients' claim is not considered to have been fully substantiated.

5. On balance therefore, after very careful consideration of all the facts and arguments, including those of third parties, the Secretary of State has decided not to accept the Inspector's recommendation. Therefore he hereby dismisses the appeal.

6. Less objection would however be seen to an alternative scheme which contained, for example, a larger amount of residential accommodation (such as appears to have been envisaged at the time when the application was made for an office development permit) and greater provision for other uses which at present make a valuable contribution to the character of the area.

7. The Secretary of State notes that the Inspector is of the opinion that serious consideration should be given to the possibility of incorporating nos 14 to 18 Percy Street in the redevelopment scheme, since, in his view, no 14 Percy Street is of special importance because it appears to have retained its original brick facade and nos 15 to 18 contribute greatly to the Georgian character of the street as a whole. The Secretary of State agrees, nevertheless, that these are matters which could more appropriately be considered at a detailed stage and in the light of any further evidence submitted with the appeal against refusal of listed building consent, if this is pursued.

I am Gentlemen
Your obedient Servant

J C LIPPARD
Authorised by the Secretary of State
to sign in that behalf

Under the provisions of section 245 of the Town and Country Planning Act 1971 a person who is aggrieved by the decision given in the accompanying letter may challenge its validity by an application made to the High Court within 6 weeks from the date when the decision is given (This procedure applies both to decisions of the Secretary of State and to decisions given by an Inspector to whom an appeal has been transferred under paragraph 1(1) of Schedule 9 to the Town and Country Planning Act 1971)

The grounds upon which an application may be made to the Court are:-

- 1 that the decision is not within the powers of the Act (that is, the Secretary of State or Inspector, as the case may be, has exceeded his powers), or
- 2 that any of the relevant requirements have not been complied with, and the applicant's interests have been substantially prejudiced by the failure to comply

"The relevant requirements" are defined in section 245 of the Act they are the requirements of that Act and the Tribunals and Inquiries Act 1971 or any enactment replaced thereby, and the requirements of any order, regulations or rules made under those Acts or under any of the Acts repealed by those Acts These include the Town and Country Planning (Inquiries Procedure) Rules 1969 (SI 1969 No 1092), which relate to the procedure on cases dealt with by the Secretary of State, and the Town and Country Planning Appeals (Determination by Appointed Persons) (Inquiries Procedure) Rules 1968 (SI 1968 No 1952), which relate to the procedure on appeals transferred to Inspectors

The right to make an application under section 245 as a "person aggrieved" is limited to the appellant or applicant (as the case may be) and persons whose legal rights have been infringed The local authority who are directly concerned with the case are given a similar right of appeal

A person who thinks he may have grounds for challenging the decision should seek legal advice before taking any action