

Address:	The Earnshaw 77 - 91 New Oxford Street London WC1A 1DG		2
Application Number(s):	2023/3845/P	Officer: Ewan Campbell	
Ward:	Holborn and Covent Garden		
Date Received:	02/10/2023		
Proposal:	Change of use of retail units 1, 2 and 3 at ground and basement levels to a restaurant, vertical farm and community space (Sui Generis) and new fire door on Earnshaw Street elevation.		
Background Papers, Supporting Documents and Drawing Numbers: Existing Drawings: 3314 I-X-203 (T1), 3314 I-X04 (T1), 3314 I-X09 (P1), 3314 I-X11 (P1) Proposed Drawings: 3314 I-XX-100 (T2), 3314 I-XX-B (T1), 3314 I-X08 (T4) Documents: Personal Permission Note, Cover Letter (14/09/2023), Operational Management Plan (Draft), Ground Floor Design Vision Document (06/09/2023)			
RECOMMENDATION SUMMARY: Grant conditional planning permission subject to a Section 106 Legal Agreement			
Applicant:		Agent:	
GSK C/O Agent		CBRE Henrietta House Henrietta Place London W1G 0NB	

ANALYSIS INFORMATION

Use Class	Description	Existing GIA (sqm)	Proposed GIA (sqm)
A1/A3	Retail	-1007	0
Sui Generis	Restaurant, vertical farm and community space	0	+1007

EXECUTIVE SUMMARY

- i) The proposal is for change of use of three of the retail/restaurant units (approved as A1/A3 against the former Use Classes Order) within the recently completed Castlewood House redevelopment (now called the Earnshaw) to provide a new space which provides a unique space for employees and the public which includes a vertical farm in the basement and community space. The applicant is Glaxo Smith Kline (GSK) who have signed a lease for the building to be their global headquarters. The intention is for GSK to be the 'worlds healthiest workplace and to provide a unique offer in this location. By achieving this GSK aim to create part of the office which is solely orientated around sustainable themes including food waste, food growth and healthy eating which is coupled with providing a public offer that can really benefit local communities, schools and residents. The application is located within the CAZ and the Council's Knowledge Quarter.
- ii) The use, as stated above, is a unique space which is used by employees a proportion of the time, but also provides a mixture of public restaurant, event space, community offer and a vertical farm. All of these uses link together and overall provide a public facing and commercial use. Officers are recommending a personal permission in this case due to the very unique nature of the use which is solely related to the occupier, the fact that they have a 17 year lease and that this will ensure that if/when the use ends it is then less likely that the ground floor will be left vacant as the spaces would revert back to consented retail/restaurant uses.
- iii) The space would be publically available the majority of the time, it would provide an exciting new and individual concept in this location for everyone to interact with and enjoy. The focus on health and sustainable eating is also a welcome element of the concept and links in with the Council's own food mission. The use and associated space would give access to local schools, provide for commercial events with businesses and offer other outreach style events that will be secured through a Community Events Plan. The space will have a dedicated Community Events Coordinator (secured through the a106) but also the potential to produce tangible impacts by employing apprentices and providing placement schemes for Camden schools, secured through the s106, which overall represents a key benefit from the change of use proposed.
- iv) The loss of retail has been considered as part of the assessment and whilst this is a primary frontage in a Central London location, Castlewood House still has retail units at ground which are being retained as such. The original permission for the redevelopment of the site gave those units flexibility in use between retail and restaurant but under the S106 agreement recommended for this permission that would be restricted to ensure that they can only be used for retail purposes.
- v) An Operational Management Plan will also be secured as part of the s106 agreement however initial documents demonstrate that the different intended ways that the use will operate would not significantly impact on neighbours and not any more than the approved scheme.
- vi) Overall the proposal is considered acceptable and complies with the development plan as a whole, providing economic and public benefits whilst protecting the amenities of existing residential neighbours.

OFFICER REPORT

Reason for Referral to Committee: Major development involving the provision of more than 10 new dwellings or more than 1,000 sqm of non-residential floorspace (Clause 3(i)); and subject to the completion of a legal agreement for matters which the Director of Economy, Regeneration and Investment does not have delegated authority (Clause 3(iv)).

1. SITE AND BACKGROUND

Location

- 1.1 The site contains a recently constructed 10 storey office building on the south side of New Oxford Street (approved under Ref: 2017/0618/P). The building is located within a city block framed by New Oxford Street to the north, Bucknall Street to the south, Dyott Street to the east and Earnshaw Street to the west.

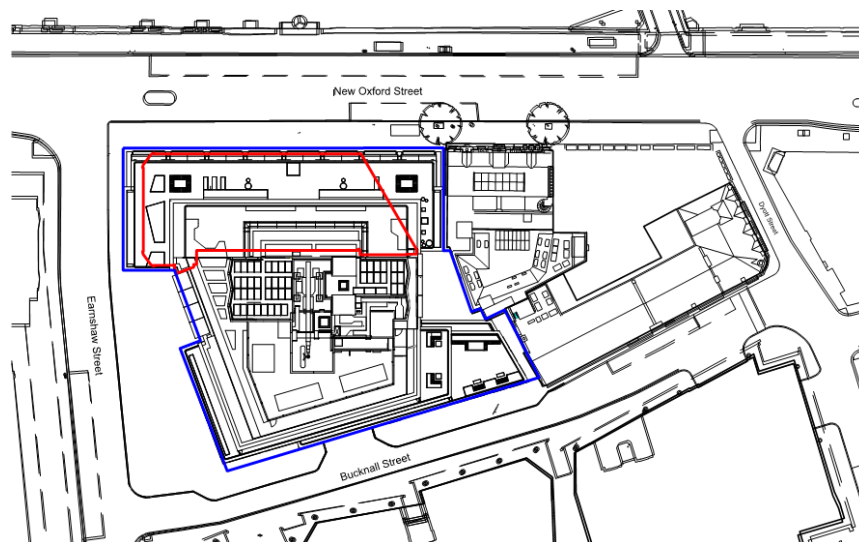


Figure 1 – The existing site

- 1.2 The Earnshaw is a new development which replaces the former building (Castlewood House) on the site. This and the Central St Giles buildings to the south, are located in a small pocket of land that falls outside of any Conservation Area. 71-75 New Oxford Street, and 12 Dyott Street & 2-4 Bucknall Street (a single building known as Bucknall Street warehouse) are all located within the Bloomsbury Conservation area and are identified in the Bloomsbury Conservation Area Appraisal and Management Strategy as positive contributors. Areas to the north, across New Oxford Street, and to the east of the site fall within the Bloomsbury Conservation Area. Across Earnshaw Street to the west lies the Grade II Listed Centre Point House and the Denmark Street Conservation Area.

- 1.3 The proposal relates to the part of the Earnshaw comprising three units (units 1-3) which form part of the wider ground floor and basement retail, food and beverage offer (Units 1-6) of the development. The 2017 permission (2017/0618/P) pre-dated the 2020 revisions to the Town and Country Planning Use Classes Order and granted A1 (retail) and A3 (café/restaurant uses) for this part. These uses are now superseded by the all-encompassing Class E Use. However none of the uses in this part of the development have so far been implemented and therefore the approved uses still stand. Further detail of the 2017 permission and the vision for the ground floor and basement retail uses is set out in the 'Relevant History' below.
- 1.4 Surrounding properties are primarily in commercial use with ground floor retail and restaurant uses. There is some existing residential provision as part of Central St. Giles (known as Matilda Apartments), to the south of the site and the Centre Point development, to the west of the site. Larger residential communities are predominantly located to the north in Bloomsbury.
- 1.5 The site is within the Central Activities Zone (CAZ), the Central London Area, and is within the Tottenham Court Road Growth Area. The Tottenham Court Road Central London retail frontage is located across the road on the north side of New Oxford Street. The site is located within the southern area covered by the West End Project; Camden's largest transport and public realm improvement scheme. The site is highly accessible by public transport (PTAL 6B 'excellent'), being served by Tottenham Court Road underground station 200m to the west, Holborn underground station 500m to the east and numerous bus routes along New Oxford Street, Charing Cross Road and Tottenham Court Road. The site is also be served by the Elizabeth Line with the new station having opened at Tottenham Court Road.

2. THE PROPOSAL

- 2.1 The proposal is for to change the use of the A1/A3 units 1-3 to the front of the Earnshaw facing onto new Oxford Street to a use which incorporates a restaurant for the public and office employees, a vertical farm in the basement and an events space. This is a use which does not fall in a particular use class because of its very unique nature and would be described as Sui Generis.
- 2.2 The vertical farm in the basement will produce a range of superfoods – forming many of the plant based dishes in the restaurant at ground floor level, with the lowest possible 'growth to mouth' carbon footprint. There will also be a 'chefs table' area where customers can enjoy a healthy dining experience from within the vertical farm. Units 1-3 on the ground floor will provide a

restaurant space for GSK staff before 9am on weekdays and after 9am will be open to the public and operation as a restaurant use. The 'Pharm' branding has been developed to differentiate the space from the office space as it is entirely separate operation

- 2.3 Community access and engagement is at the centre of the operation of this space and it has been designed to be versatile and flexible so the space can be used for a variety of different events for GSK and the local community. Alongside the space the vertical farm will also be open to school and community group visits to help educate people about healthy eating and sustainable food production. Excess produce will be provided to local charities and foodbank services
- 2.4 Unit 4-6 are not part of the application site and would be retained as retail/restaurant as allowed under the current consent.

3. RELEVANT HISTORY

The site

- 3.1 **2017/0618/P** - 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 terraces 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. **(Granted subject to s106 legal agreement 21/12/2017)**
- 3.2 Within the committee report there is specific mention of the provision of retail along New Oxford Street within the proposal. It states:

Policy CS7 encourages further retail within growth areas and central London generally. Accordingly retail and food and drink uses are proposed to occupy most of the ground and 1st basement floor level of the new Castlewood House building. The existing A1 retail use at basement and ground levels of Medius House is to be re-provided as flexible A1/A3 use, though reduced slightly from 652sqm to 525 sqm to accommodate the new residential entrance and waste storage/servicing.

Currently there are no active ground floor uses within Castlewood House and the scheme proposes a total of 2,304sqm new, flexible A1/A3 uses at ground/basement floor level. The general principle of this is welcomed as it would serve to activate the ground floor

frontage, greatly enhancing the streetscene and strengthening the retail function of New Oxford Street in this location. The inclusion of the retail units on the southeast and southwest corners of the building away from the primary frontage of the building is also welcomed activating this frontage and complementing the existing retail and restaurant uses in the adjacent St Giles development.

A number of consultation responses emphasised a desire to secure the provision of smaller independent shop units within the proposal. Policy DP10 encourages the provision of small shops and premises (of up to 100sqm) within schemes providing over 1000sqm of retail floorspace however it is only a requirement when the threshold of 5000sqm of retail floorspace is reached...

Although not a strict policy requirement the applicant has agreed to designate a minimum of 75 sqm of retail floor space for the provision of a small, independent unit which could be located in one of the smaller units identified above. It is important to note that this is a minimum and so in practice more small or independent units could be accommodated on the site albeit at the discretion of the applicant. The provision of an independent unit is welcomed and would be secured via s106 legal agreement. The agreement would define independent businesses as having 5 branches or less in line with the guidance in CPG5...

The Charing Cross Road frontage extends onto New Oxford Street at the ground floor level of Centrepont to the west and if granted and constructed the site may logically form an extension to this frontage in the future... Therefore, acknowledging the similarities between the site and these nearby central London frontages it is suggested that the A3 element be limited to 33% of the total floorspace. It is considered on this basis, that the retail character of New Oxford Street in this location would be protected and enhanced, whilst avoiding any potentially harmful over concentration of A3 uses.

- 3.3 **2018/5353/P** - Relocation of the central lift/stair core and lift overrun; changes to the associated external elevations, changes to the main entrance design and other minor details (all relating to Castlewood House) approved under planning permission 2017/0618/P dated 21/12/2017 (**Granted 19/11/2018**)
- 3.4 **2019/3594/P** - Alteration to rear facing fenestration details; Addition of louvres and amendments to fenestration of ground floor retail frontage and increase in ceiling height at pod level (all relating to Medius House) approved under planning permission 2017/0618/P dated 21/12/2017 (**Granted 19/11/2019**)

- 3.5 **2020/0705/P**- Amendments to planning permission 2017/0618/P relating to various amendments to design, including addition of attenuation tank and omission of blue roof; minor reconfiguration of fenestration and entrances; changes to cycle access provision; changes to external balustrades; rearrangement of risers and ducts terminating at roof level; amendments to louvered areas. **(Granted 12/08/2020)**
- 3.6 **2021/4162/P** - Variation of condition 2 (Approved Plans) of planning permission 2017/0618/P, namely to reduce the A1/A3 space and replace with ancillary office space (B1 in the basement). Other alterations include uplift to plant equipment, internal reconfigurations, changes to floor risers, roof level alterations and changes to the cladding. **(Granted 10/02/2023)**
- 3.7 This s73 application altered the quantum of retail within the site, below is from the informative attached to the decision notice:
- The land use changes include reducing the A1/A3 space within the basement and ground floor by 487sqm (mostly within the basement). This is to accommodate energy efficiency improvement changes to the building and offer the office space sustainability improvements. The basement, as proposed will now accommodate AHU Room, A1/A3 Retail space, Boiler Plant and Pump Room, HV/LV Room, UKPN Plant Room, Future DEN Room, UKPN Substation, Reconfigured Cycle Store, Changing Rooms the ground floor changes are minor with a facilities management store and lobby alterations making the most substantial difference.*
- Overall, the loss of the A1/A3 ancillary retail space in the basement is significant (in terms of the amount of floorspace) however does not undermine the overall retail offer at ground floor which still remains. It is considered that the loss, whilst a material consideration, would not be unacceptable considering the retention of the active frontage on ground floor and consolidation of higher quality office space on the upper floors. The proposal would therefore maintain the vitality and vibrancy of the surrounding area.*
- 3.8 **2022/3700/P** - Non-material amendment to planning permission 2017/0618/P to include tv/signal satellite and stand, access ladder, mechanical smoke ventilation system and extract, glazed roof light and mansafe system. **(Granted 24/11/2022)**
- 3.9 **2023/0553/P** - Non-material amendment to planning permission 2017/0618/P to include tv/signal satellite and stand, access ladder, mechanical smoke ventilation system and extract, glazed roof light and mansafe system. CHANGES include omitting the glazing bars of medius house to the rear elevation. **(Granted 31/03/2023)**

- 3.10 **2023/1085/P** - Non-material amendment to planning permission 2017/0618/P to include tv/signal satellite and stand, access ladder, mechanical smoke ventilation system and extract, glazed roof light and mansafe system. CHANGES include Lift overrun height increase; Roof access locations adjusted; Retail door height adjusted; Retail door leaf configuration adjusted; Aluminium Portal to arcade entrance introduced; Granite plinth height increased; Glazed brick plinth height increased; UKPN louvre sized reduced and brick lintel introduced; Recessed brick detail position adjusted; Low level transom to curtain wall introduced; Extent of rainscreen cladding/louvered screen adjusted; Revolving door drum size increased; Terrace sliding door height revised; Cyclist entrance design revised; and Intermediate precast piers width adjusted. **(Granted 27/04/2023)**

4. **CONSULTATION**

Local groups

Covent Garden Community Association

- 4.1 The association have not objected to the proposal but have requested a number of amendments to the proposal:

Limit the hours of operation

- Public access limited to after 9:00 every day as per the OMP
- Doors on Earnshaw Closed during certain hours
- Delivery and servicing between certain hours
- All of these issues be secured via condition

- 4.2 *Officer Response:* *in relation to the points about operation, hours of use, delivery and servicing and operation have been discussed in section 8 below:*

Adjoining occupiers

- 4.3 One site notice was displayed on New Oxford Street to the front of the property. The notice was displayed on 04/10/2023 until 28/10/2023.
- 4.4 One objection was received from a single household however no address was given. The objections received by the Council are on the Council's website. The key issues raised are.

Topic

- Use should be commercial
- Security risk
- Noise Impact
- Already similar uses in area

Officer Response: Issues relating to the nature of the proposed use are discussed in section 7. Furthermore issues relating to security, noise and overall amenity are discussed in section 8.

5. POLICY

National and regional policy and guidance

National Planning Policy Framework 2023 (NPPF)

National Planning Practice Guidance (NPPG)

London Plan 2021 (LP)

London Plan Guidance

Local policy and guidance

Camden Local Plan (2017) (CLP)

Policy G1 Delivery and location of growth

Policy C1 Health and wellbeing

Policy C5 Safety and security

Policy C6 Access for all

Policy E1 Economic development

Policy E3 Tourism

Policy A1 Managing the impact of development

Policy A4 Noise and vibration

Policy D1 Design

Policy CC5 Waste

Policy TC1 Quantity and location of retail development

Policy TC2 Camden's centres and other shopping areas

Policy TC4 Town centre uses

Policy T1 Prioritising walking, cycling and public transport

Policy T2 Parking and car-free development

Policy DM1 Delivery and monitoring

Supplementary Planning Documents and Guidance

Most relevant Camden Planning Guidance (CPGs):

Access for All CPG - March 2019

Air Quality - January 2021

Amenity - January 2021

Basements - January 2021

Community uses, leisure and pubs - January 2021

Design - January 2021

Developer Contribution CPG - March 2019

Employment sites and business premises - January 2021

Planning for health and wellbeing - January 2021

Town centres and retail - January 2021

Transport - January 2021

Other guidance: Bloomsbury Conservation Area appraisal and management strategy (April 2011)

6. ASSESSMENT

- 6.1 The principal considerations material to the determination of this application are considered in the following sections of this report:

7	Land use
8	Impact on Neighbouring Amenity
9	Design
10	Employment Training and Opportunities
11	Transport

7. LAND USE

- 7.1 Policy TC1 aims to focus shopping and retail uses in Camden's designated growth areas and existing centres, taking into consideration the level of capacity of these locations. The Council will promote growth of retail orientated uses in growth areas, town centres, central London areas and neighbourhood centres which include specialised shopping areas.
- 7.2 Policy TC2 promotes the successful and vibrant centres throughout the borough by seeking to protect each of their characters, provide a range of services and shops, protecting residents against harmful impacts of food and drink uses and provide bespoke objectives for each centre. The policy also aims to provide a certain mix and balance of uses.
- 7.3 As consented under 2017/0618/P, units 1-3 of Castlewood House were to be a mixture of A1 and A3 uses. It was also conditioned that the A3 element be limited to 33% of the total floorspace. Under the original permission it was agreed that small independent retail space would be provided within one of the units. This application does not mean this should not be provided.
- 7.4 Following the approval and subsequent beginning of construction, the use class order 1987 changed in 2020 to incorporate Class E. Use Class E of the Use Classes Order 1987 (as amended) was introduced on 1st September 2020 and covers the former use classes of A1 (shops), A2 (financial and professional), A3 (restaurants and cafes) as well as parts of D1 (non-residential institutions) and D2 (assembly and leisure) and puts them all into one new use class. Whilst the building has been finished, these units do not yet benefit from the changes to the Use Classes Order, until the A1/A3 uses have not been first implemented they do not benefit from the wider range of uses that Class E allows.

- 7.5 Personal permission is sought for a change of use of these 3 units to accommodate a restaurant, vertical farm and events space (Sui Generis). The site would be operated by the tenant GSK who have moved their global headquarters to the site. The use would be a mixture of restaurant and events space which is for both the public and GSK employees (at certain times). The space can host a programme of events but also act as a conventional restaurant space accommodate customers wanting to eat at the restaurant. In addition to this events space part of the basement will be fitted to provide a vertical farm which partly provides food for the restaurant. This shift in focus to a multi functioning events use from more traditional retail and restaurant uses is a key element of the character of the use, which is why the application is required.
- 7.6 In relation to policy TC2 points f and g aim to protect commercial frontages in centres from development which might risk compromising their retail function:-:
- f. protect the primary frontages as locations with a high proportion of shops (A1) in order to maintain the retail function of the centre; and*
- g. protect the secondary frontages as locations for shops (A1) together with a broader range of other town centre uses to create centres with a range of shops, services, and food, drink and entertainment uses which support the viability and vitality of the centre.*
- 7.7 The application is within a primary retail frontage where the Local Plan seeks to promote a higher proportion of shops to maintain the retail function Appendix 4 of the Local Plan outlines the proportion for defined retail areas, the application site being located within Holborn centre (see below):

Centre	Frontage type Displayed on the Policies Map	A1 shops Minimum proportion of A1 shops in each individual frontage	A3 A4 A5 food, drink, and entertainment uses Maximum proportion of A3, A4, and A5 uses combined in each individual frontage	A3 A4 A5 food, drink, and entertainment uses and other non retail uses Other restrictions
Hampstead	Primary	Min 75%		No more than 2 consecutive non retail uses
	Secondary	Min 50%		No more than 3 consecutive non retail uses
Central London Frontages				
Tottenham Court Road	Primary	Min 80%	-	-
	Secondary	Min 66%	-	-
Holborn	Primary	Min 50%	Max 25%	-
	Secondary	-	Max 40%	-

Figure 2: Appendix 4 detailing acceptable retail proportions

- 7.8 The Earnshaw is within a primary frontage and adjacent to a secondary frontage which ends at Dyott Street. Overall this frontage contains 8 commercial units, all of them being retail (formerly A1) units. Following the loss of three of the units to the proposed use (sui generis) there would be approximately 62.5% in retail use. The proposed use is not considered to fall directly in either A3, A4, A5 or Entertainment uses and therefore does not need to be under the 25% maximum threshold. This means that overall the target level of A1 shops as shown above for this location is retained and complies with TC2. Below is figure 3 demonstrating the location and nature of uses along the frontage:

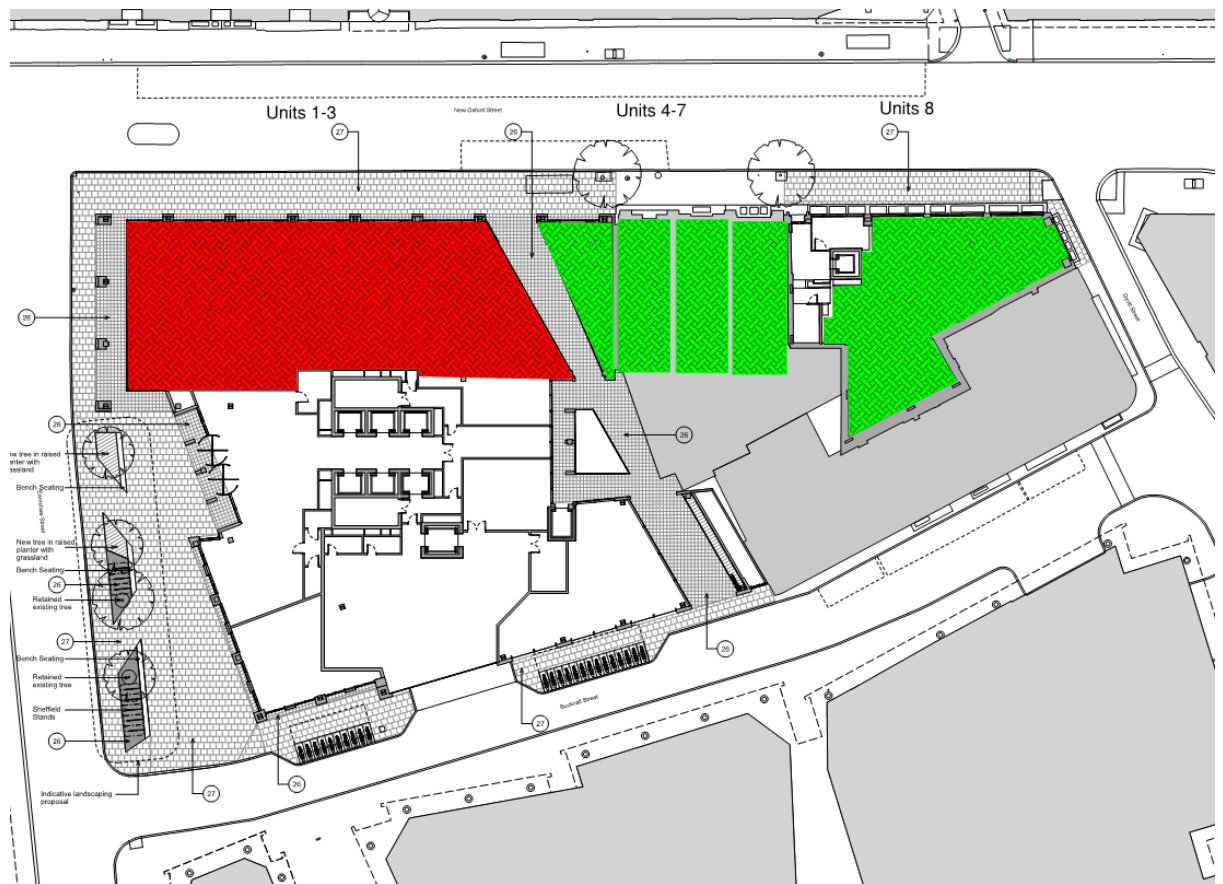


Figure 3: Showing all of the retail units within the primary and secondary frontage

7.9 Whilst the proposal does technically meet the requirements of TC2, the majority of the primary frontage of Castlewood House would be removed from retail. In order to offset this impact the applicant has agreed to keep the rest of the commercial units at Castlewood House (shown in Figure 4 below) in retail use whilst the proposed use is in operation, under the terms of the approved permission for the site they would have flexibility to be A1 or A3. This will be secured via a s106 agreement and ensures that there remains a retail function on the site adding to the vitality of the area. The additional units which will be secured via a s106 agreement are shown in green on figure 4 below:

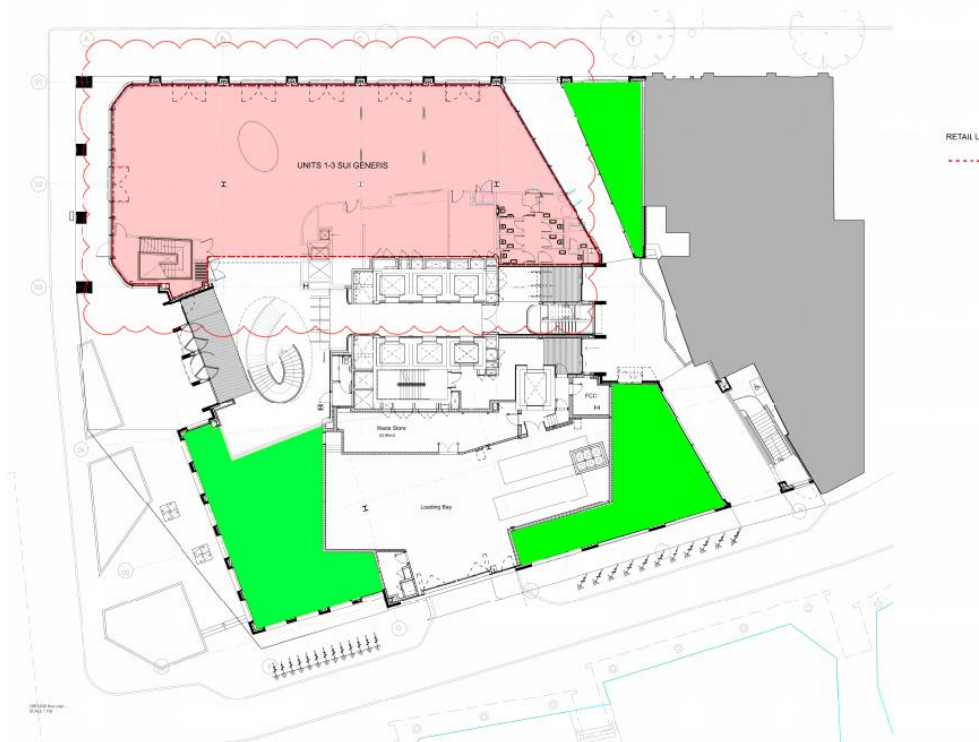


Figure 4: Site map showing the units that will be controlled as A1 use in green outside the red line boundary

- 7.10 The applicant has sought a personal permission due to the unique nature of the use which is specifically related to the occupier alone. Without GSK occupying the space the use would not function and therefore this is accepted. Moreover this development will offer public benefits solely related to the bespoke nature of the use and the Council can control the use of other units in the Earnshaw Building; ensuring they perform a retail function. As this is inherently linked to the occupier (GSK) then if they were to leave the building the units, along a primary frontage, would be likely to end up empty; therefore a personal permission would mean the units would automatically revert back to their retail/restaurant use and could thus be re-let as such. A supporting statement has been submitted as part of this successfully justifying the need for a personal permission in this instance. As well as this a condition will be placed on the application ensuring the use will only endure during the lease with GSK.

Public benefits plan

- 7.11 The nature of the use is considered to provide an opportunity to engage with the public in a greater way than standard retail, providing more of an 'attraction' or novelty concept and can also provide public benefits. As part of the proposal, the space, including the vertical farm, will be used for a number of private and public events for schools, community groups, business and the wider general public to get involved with. The idea are for

these events to be centred around wellbeing, food growth and sustainability (which can contribute to the Council's Food Mission) and have a tangible link between the farm in the basement and to the restaurant/dining space on the ground floor, which is also opened to the public. As part of the proposal, GSK have agreed to hire a Community Events Coordinator and draw up a Community Events Plan which is to be secured via s106 agreement. The s106 will have a monitoring clause to ensure that the prescribed number and type of events is being delivered on. The number and type of events will be secured as part of this package however it is envisaged that there will be multiple weekly events which cover topics as such as food waste, sustainability and wellbeing which will be open to the public

- 7.12 As part of this package, three apprenticeships secured for the end use stage of the development, will be expected to be paid at a minimum of the London Living Wage rate. The Council have also secured commitment to support a wider range of initiatives aimed at creating a more inclusive economy, and helping to provide people with the skills and opportunities to find meaningful work. Examples include the provision of work placements, support for people with disabilities and long-term health conditions, joining the Inclusive Business network or working with Camden's STEAM Programme and will be secured within the s106 as part of the proposal. Overall this means there will be a significant public benefit to the scheme with the use providing genuine introductions to the topics discussed above. Any loss of retail function is mitigated because of these benefits.
- 7.13 Whilst this is not a usual 'entertainment' use, operationally it does have entertainment elements. Restaurant, nightclub or drinking establishment uses are not afforded any specific policy protection; however, the supporting text to Policy TC4 recognises the importance of restaurants, bars and entertainment venues to the borough's image as a dynamic and attractive place. It goes on to note that Central London has a particular concentration of such uses, and the important part they play in the night-time economy of Camden and of London, socially, economically and in terms of job provision.
- 7.14 However, it also notes the conflicts that can arise due to the borough's densely developed, mixed use nature, with much night-time activity occurring close to places where people live. Policy TC4 therefore seeks to ensure that the development of shopping, services, food, drink, entertainment, and other town centre uses do not cause harm to the character, function, vitality and viability of a centre, the local area, or the amenity of neighbours.
- 7.15 Given the nature of the vertical farm, small basement events space and restaurant (also to be used as an events space) which comprise of the proposed use there is little evidence to suggest that this would cause an increase in disturbance, nor would it be any more impactful than the consented use as the size of the units is not changing. The proposed use

itself would not adversely impact the character or vitality of the town centre, nor harm the local area and amenity of neighbours. Impacts from the operational management of visitors is assessed in section 8 (impact on neighbouring amenity).

- 7.16 Overall the development complies with policies E1, TC1, TC2 and TC4 of the 2017 Local Plan.

8. IMPACT ON NEIGHBOURING AMENITY

- 8.1 CLP policies A1 and A4 and the Amenity CPG are all relevant with regards to the impact on the amenity of residential properties in the area, requiring careful consideration of the impacts of development on light, outlook, privacy and noise. The thrust of the policies is that the quality of life of current occupiers should be protected and development which causes an unacceptable level of harm to amenity should be refused.

- 8.2 The nearest residential properties are located in the related Medius House development (albeit on the upper floors), the Matilda apartments within the Central St Giles development and the residential element of Centre Point on Earnshaw Street

Outlook, Privacy and Daylight and sunlight

- 8.3 The application site is fully contained within the already existing building apart from an alteration to a door. There are no views in to or out of the space, and therefore there would be no impact on neighbouring amenity in these regards.

Noise and Disturbance

- 8.4 No new plant is proposed as part of the current application and there would therefore be no additional impact in terms of noise disturbance from plant and machinery.

- 8.5 Given the location of the premises below on the ground and below ground and the distance to the nearest residential occupants, there would be very limited noise outbreak from the new use and no harm to the amenity of neighbours. The permission would control the opening hours of the site (under condition 5) which are agreed to be the same as consent under 2018/0618/P and therefore there are no new noise and disturbance issues

Operational Management

- 8.6 The applicant has submitted an Operational Management Plan (OMP) in support of the application which sets out the concept of the use, hours of operation, the different 'modes' the use could provide and service delivery.
- 8.7 The management strategy outlines that there will be security managing the site and helping control the site when in different modes of operation. Whilst

the diagrams do include various entrance points, this is indicative and there is confirmation that a single entrance door will be used for all uses to ensure that the site is secure. The use and site itself is not particularly noise generating nor would it increase the level of crime, public nuisance or anti-social behaviour.

8.8 The key element regarding the operation of the use is ensuring the use feels publically accessible and welcoming to residents and not just a GSK restaurant area. The OMP confirms that the access arrangements will maintain a gap between public access and GSK employee access which is acceptable. The space will be available from 7am for GSK staff and 9am for the public which will be secured via the s106 agreement. This arrangement is acceptable and means it will be a publically usable space the majority of the day.

8.9 The hours of operation (as conditioned under 2018/0617/P) are listed below:

07:00 – 23:00 Mondays to Thursdays

07:00 – 00:00 Fridays and Saturdays

08:00 – 22:00 Sundays and Bank Holidays

8.10 Keeping these opening hours is acceptable considering there is no new floor space. The hours for the events are currently envisaged to be only on Mondays – Fridays 9:00am – 7:00pm. Notwithstanding this, the use is shifting quite considerably and has much more of a fluid nature with GSK wanting it to cater for multiple types of events. Moreover the vertical farm will need to be serviced differently than the consented uses and therefore these aspects need to be considered to ensure the impact is acceptable. Therefore a final Operation Management Plan will be secured via s106 to ensure the management of its impacts are considered and mitigated.

8.11 With the s106 agreement for the OMP and Condition 5 controlling the hours of opening this is considered sufficient to ensure the premises will be operated in such a way as to ensure there was no adverse impact on neighbouring amenity in accordance with policies A1 and A4 of the Camden Local Plan.

9. DESIGN

External Changes

9.1 Local Plan policies D1 (Design) and D2 (Heritage) are aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate,

enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings. The site is not within a Conservation area but adjacent to Bloomsbury CA.

- 9.2 The only external change is the inclusion of a new fire door to accommodate the new use on the west elevation within the existing curtain walling system. The dimensions of the building will be staying the same and the materials will match the existing on site. Overall there will only be a minor difference in appearance and as a consequence the change is considered acceptable and complies with D1 (Design) and D2 (Heritage) of the 2017 Local Plan.

10. EMPLOYMENT, TRAINING AND OPPORTUNITIES

- 10.1 The proposed development would be likely to generate increased employment opportunities during the end use phase, and as such, the Council would aim to ensure that local people benefit from these opportunities by securing a package of employment and training obligations through a Section 106 legal agreement. Sections 72-75 of the CPG set out our expectations about employment and other benefits to be delivered in the completed development and these would include the following:
- 10.2 Following the Occupation Date the owner or occupier will ensure they will have in its employ no less than three end use apprentices employed at the development each year for a ten year period always ensuring that the apprentice shall be recruited via the Council's Inclusive Economy Team
- 10.3 The developer should also confirm their commitment to ensuring the site offers local employment benefits in the long term by joining the Inclusive Business Network, encouraging occupiers of the site to join to the Camden STEAM (Science, Technology, Engineering, Arts and Mathematics) pledge, providing three 2 week placements of over 18s and work with Good Work Camden.
- 10.4 Provide employment and work opportunities for Camden's SEND (Special educational needs and disabilities) residents including apprentices, internships, site visits for schools or work experience.
- 10.5 The applicant should advertise all construction vacancies and work placement opportunities exclusively with the King's Cross Construction Skills Centre for a period of 1 week before marketing more widely.
- 10.6 The applicant must also sign up to the Camden Local Procurement Code.
- 10.7 The applicant should provide a local employment, skills and local supply plan setting out their plan for delivering the above requirements in advance of commencing on site.

11. TRANSPORT

- 11.1 In line with Policy T1 of the adopted Camden Local Plan, we expect cycle parking at developments to be provided in accordance with the standards set out in the London Plan. For GSK staff, long term cycle parking is provided at basement level in line with the approved scheme (2017/0618/P). Cycle parking for visitors is due to be provided in the form of 30 spaces (15 stands) on the streets surrounding the site. This was secured by means of the Section 106 Agreement. Since the development was approved the London Plan cycle parking standards for restaurants for short stay use have increased. However, it is considered that there is limited space available in the surrounding area to provide further cycle parking and so this requirement can be waived in this particular instance.
- 11.2 In accordance with Policy T2 of the Camden Local Plan, we expect car free development across the Borough. No on-site (off-street) car parking is being provided as part of this development. The site has already been secured as Business parking permit free by means of the extant Section 106 Agreement.
- 11.3 The waste and recycling arrangements will stay as agreed within the previous development.

12. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 12.1 No new floorspace is proposed at this stage so it will not be CIL liable. The CIL applies to all proposals which add 100m² of new floorspace or an extra dwelling. This includes bringing vacant buildings back into use. The amount to pay is the increase in floorspace (m²) multiplied by the rate in the CIL charging schedule.

13. CONCLUSION

- 13.1 The proposed change of use which would involve the loss of some retail space is considered acceptable given the level of retained retail uses in the surrounding area. The proposed use is quite unusual and unique, it does have an element of food and drink and therefore is very much a town centre use which is appropriate in this location and which would contribute to the vitality and viability of the Central London area, supporting other uses in the area. The nature of the proposed use also brings other benefits, an opportunity to engage with community groups, schools and businesses and educate on health, wellbeing, food and sustainability and this is achieved through a Community Events Plan and with the assistance of an Community Events Co-ordinator which would be secured via the section 106 Agreement.
- 13.2 The character of the area would be unaffected by the proposal. There are only very minor external alterations proposed, and as such, the proposals

would not impact the appearance of the building, character and appearance of the surrounding area and neighbouring Bloomsbury CA.

13.3 The proposed location at ground and basement level would limit any potential disturbance, and hours of use, visitor numbers and compliance with the submitted operation management plan would be controlled by the S106 to ensure there would be no harm to the amenity of nearby neighbouring residents. Visitors would be expected to attend the site by sustainable means of travel and as such there are no likely impacts on the local transport network.

13.4 As such, the proposed development is considered acceptable subject to the recommended conditions and would be in accordance with the Camden Local Plan 2017 and London Plan 2021, as well as the NPPF.

14. RECOMMENDATION

14.1 Grant conditional Planning Permission subject to a Section 106 Legal Agreement with the following heads of terms:

- Community Events Plan
- Community events coordinator
- Operational Management Plan
- Hours of Public and GSK Employee use
- Controlling use of other units at The Earnshaw to be retail (former A1) only.
- Three end use apprentices recruited on a full time basis
- Three 2 week placements for over 18s
- Joining Council's Inclusive Business Network
- Sign up to the Council's STEAM pledge
- Work to provide employment and work placement opportunities for Camden's SEND residents

14.2 Members are referred to the note from the Legal Division at the start of the Agenda.

15. CONDITIONS

1	<p>Three years from the date of this permission</p> <p>This development must be begun not later than three years from the date of this permission.</p> <p>Reason: In order to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).</p>
2	<p>Approved drawings</p> <p>The development hereby permitted shall be carried out in accordance with the following approved plans and documents:</p> <p>Existing Drawings: 3314 I-X-203 (T1), 3314 I-X04 (T1), 3314 I-X09 (P1), 3314 I-X11 (P1)</p> <p>Proposed Drawings: 3314 I-XX-100 (T2), 3314 I-XX-B (T1), 3314 I-X08 (T4)</p> <p>Documents: Personal Permission Note, Cover Letter (14/09/2023), Operational Management Plan (Draft), Ground Floor Design Vision Document (06/09/2023)</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Matching Materials</p> <p>All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.</p> <p>Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 of the London Borough of Camden Local Plan 2017.</p>
4	<p>Personal Permission</p> <p>This permission is personal to GSK and shall endure for the period of their occupation only. On GSK permanently vacating the property, the sui generis use at ground and part basement level on the approved plans shall revert to the lawful uses of retail and restaurant purposes as per planning permission 2021/4162/P</p> <p>Reasons: In recognition of the special circumstances of the applicant/intended occupier, and to facilitate ease of re-letting in the event of their vacating, in accordance with policies, TC2, D1 and A1 of the London Borough of Camden Local Plan 2017.</p>
5	<p>Hours of use</p> <p>The use hereby permitted shall be carried out only during the hours of:</p> <p>07:00 – 23:00 Mondays to Thursdays 07:00 – 00:00 Fridays and Saturdays</p>

	<p>08:00 – 22:00 Sundays and Bank Holidays</p> <p>Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.</p>

16. INFORMATIVES

1	<p>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).</p>
2	<p>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)</p> <p>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.</p>
3	<p>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</p>

	will be granted until the Construction Management Plan is approved by the Council.
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Application No: 2023/3845/P

**77-91 Castlewood House
New Oxford Street
WC1A 1DG**

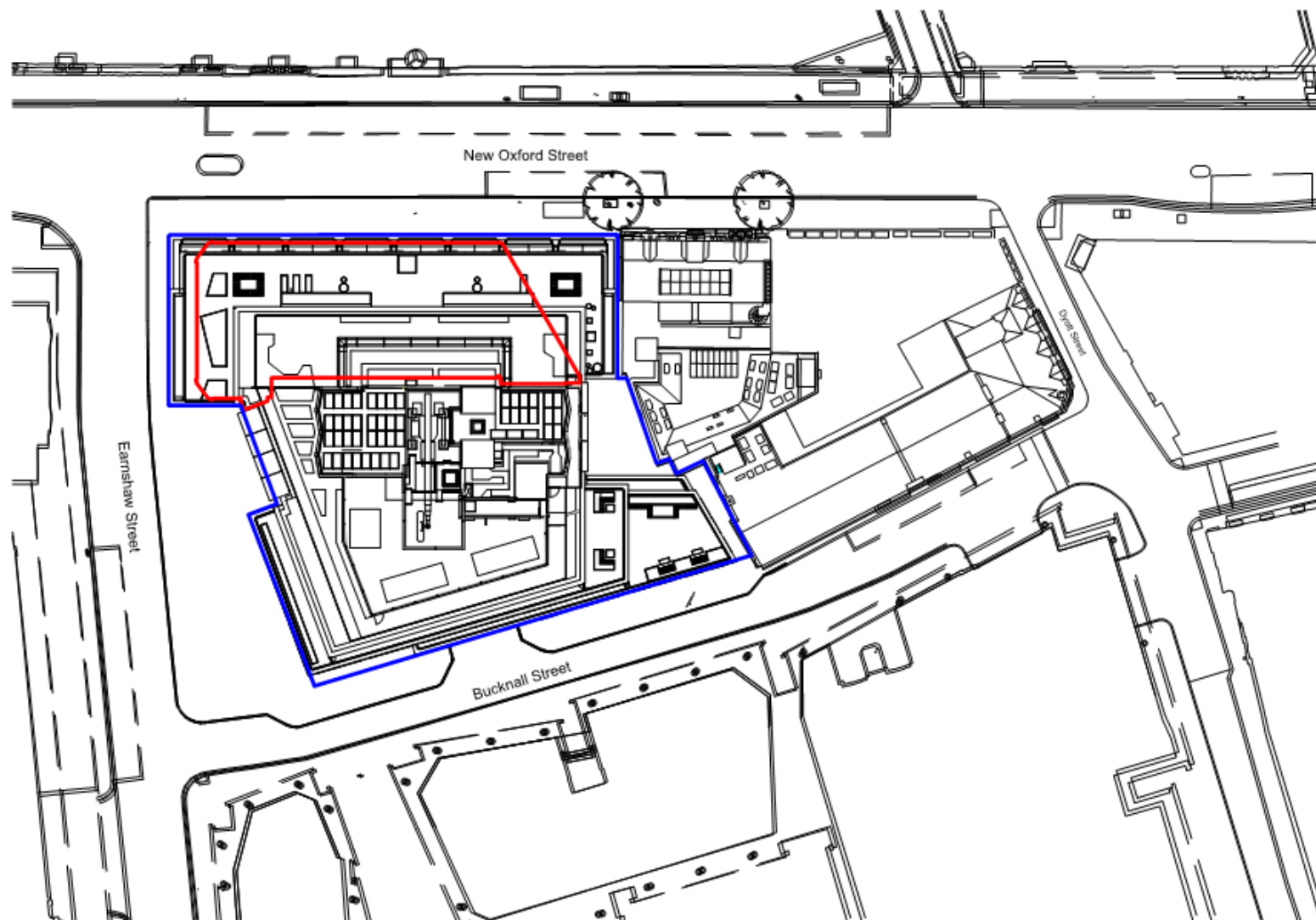
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**Scale:
1:1527
Date:
22-Dec-23**

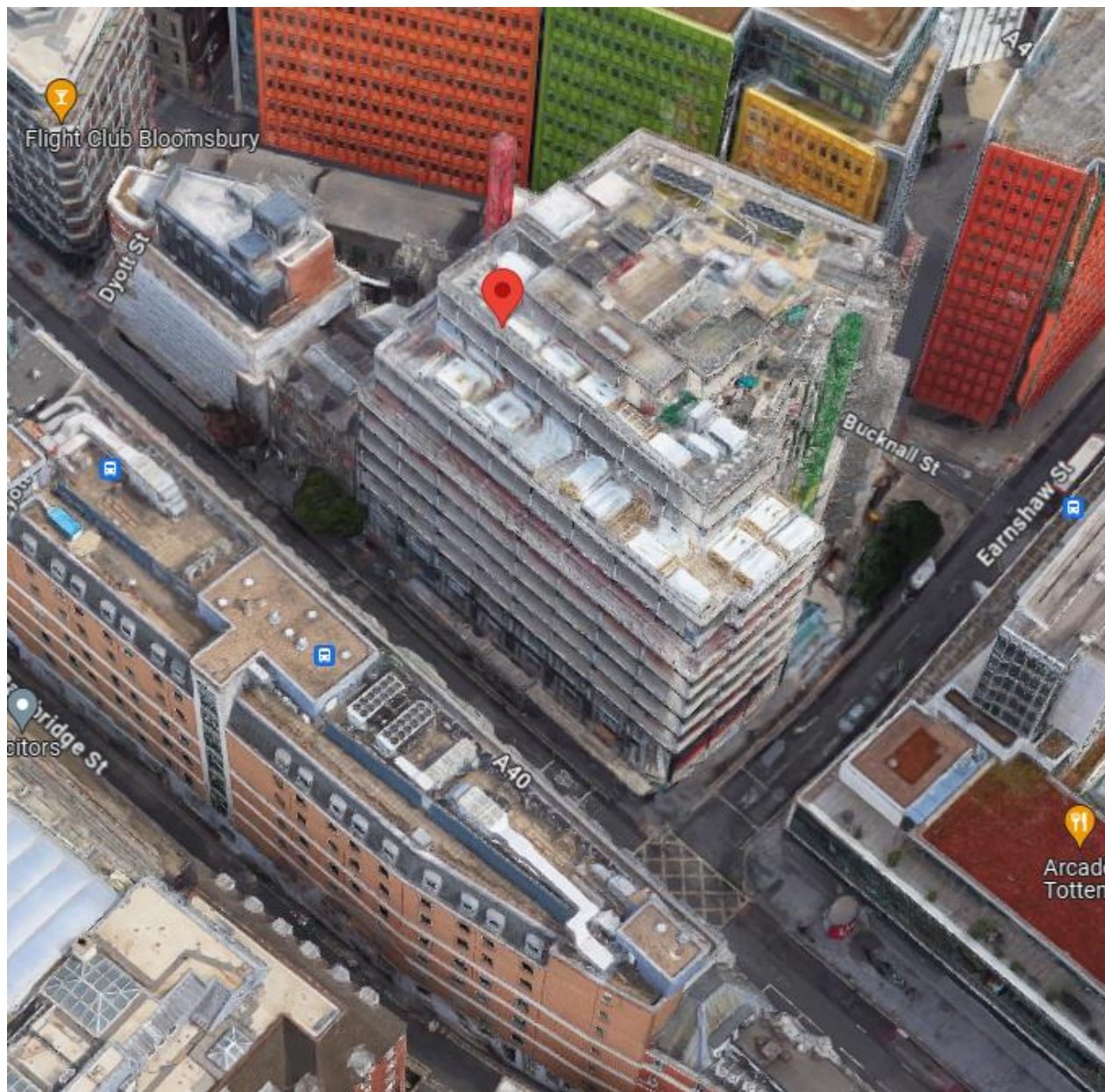


2023/3845/P

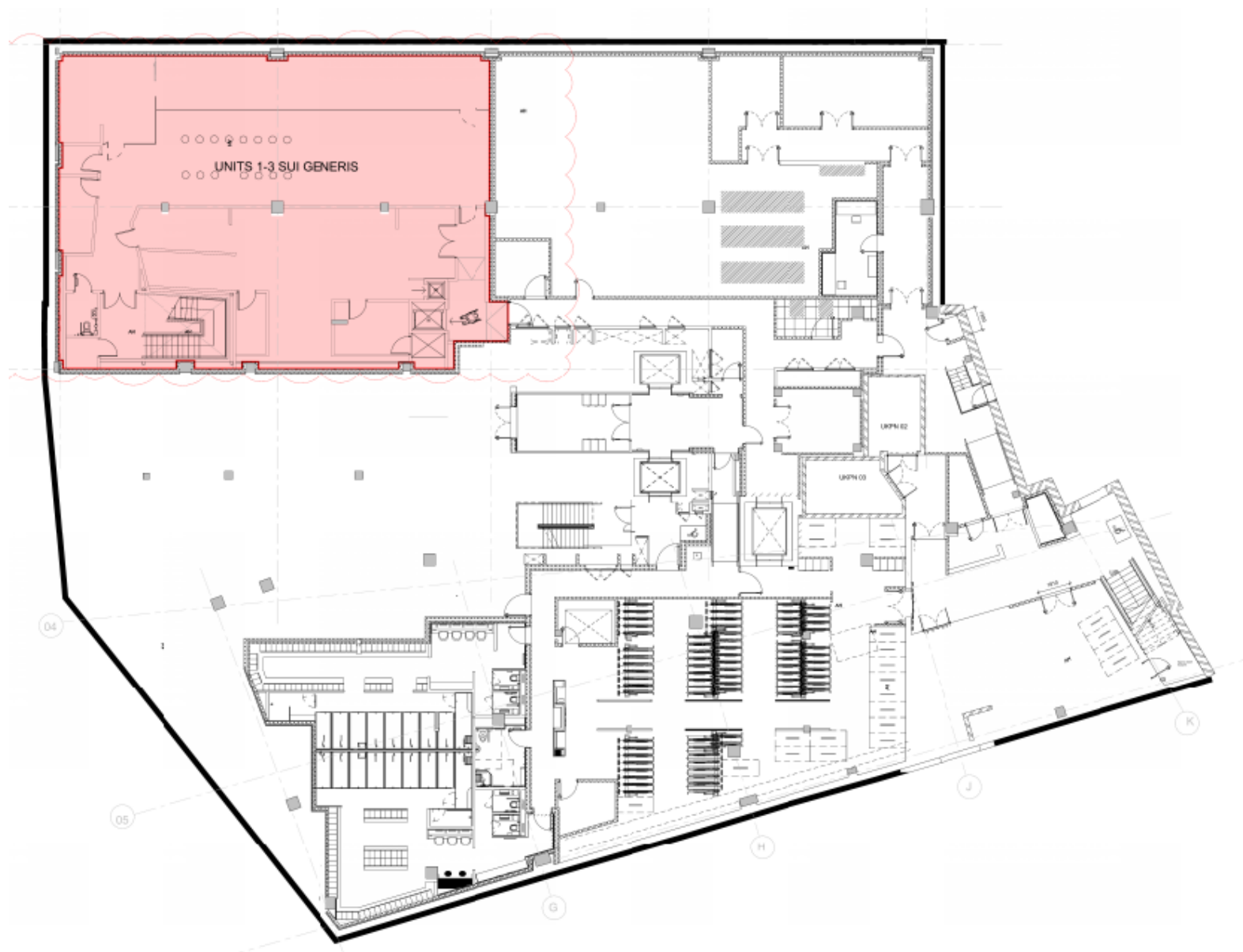
The Earnshaw
77 - 91 New Oxford Street
London
WC1A 1DG

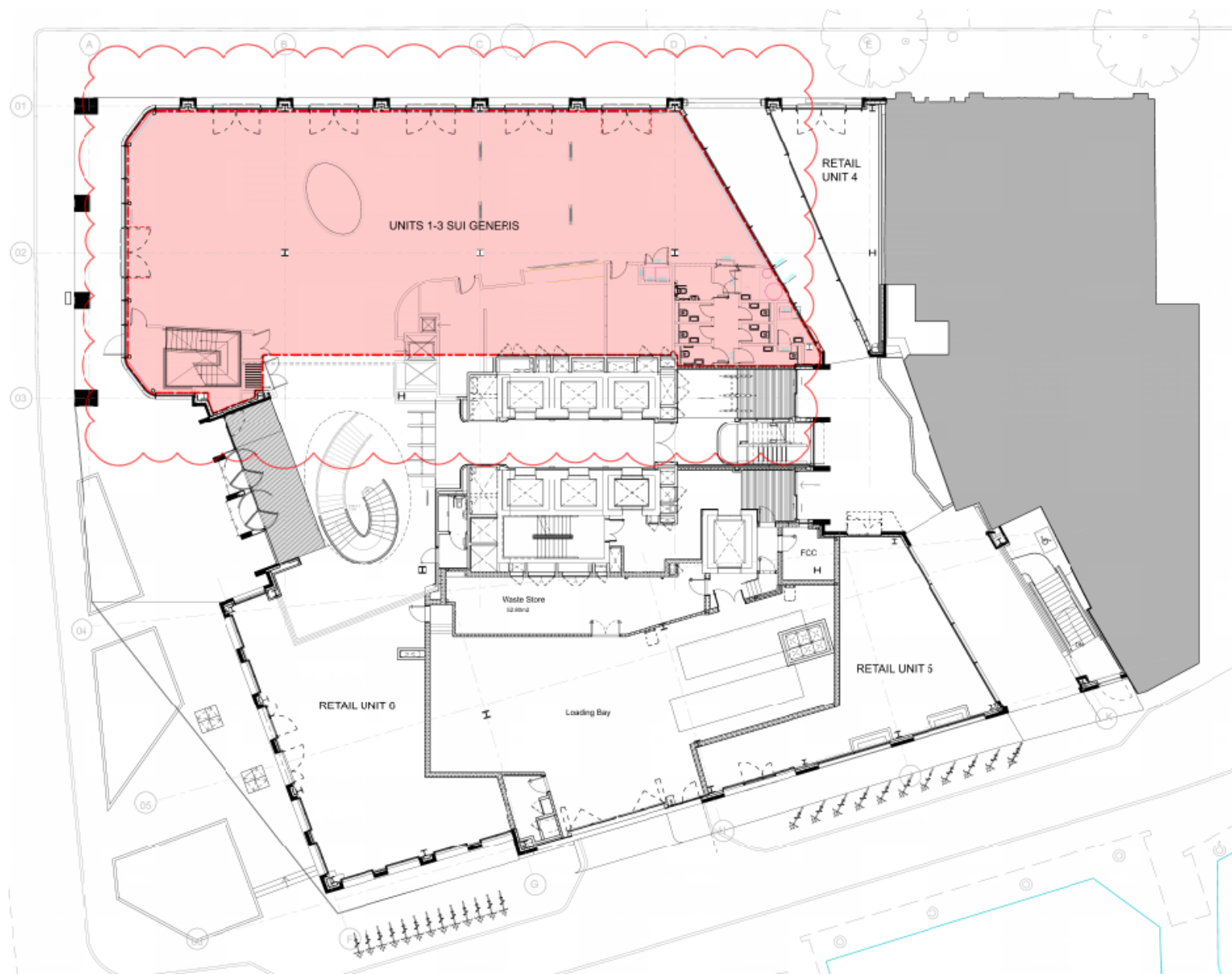


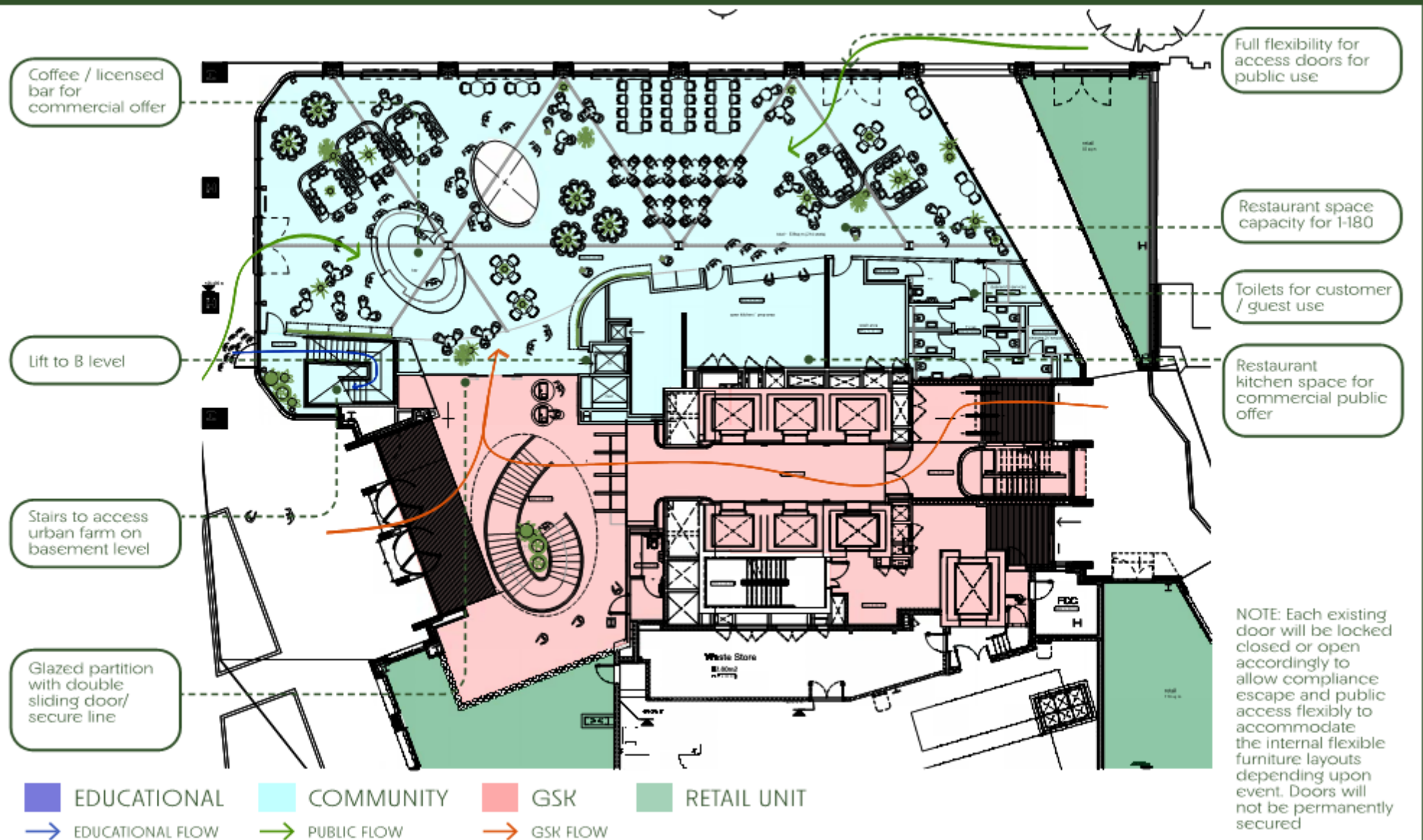


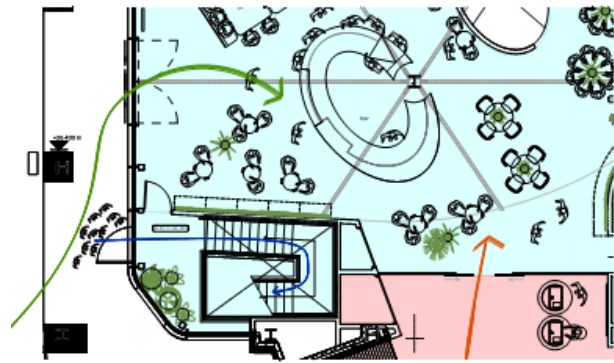










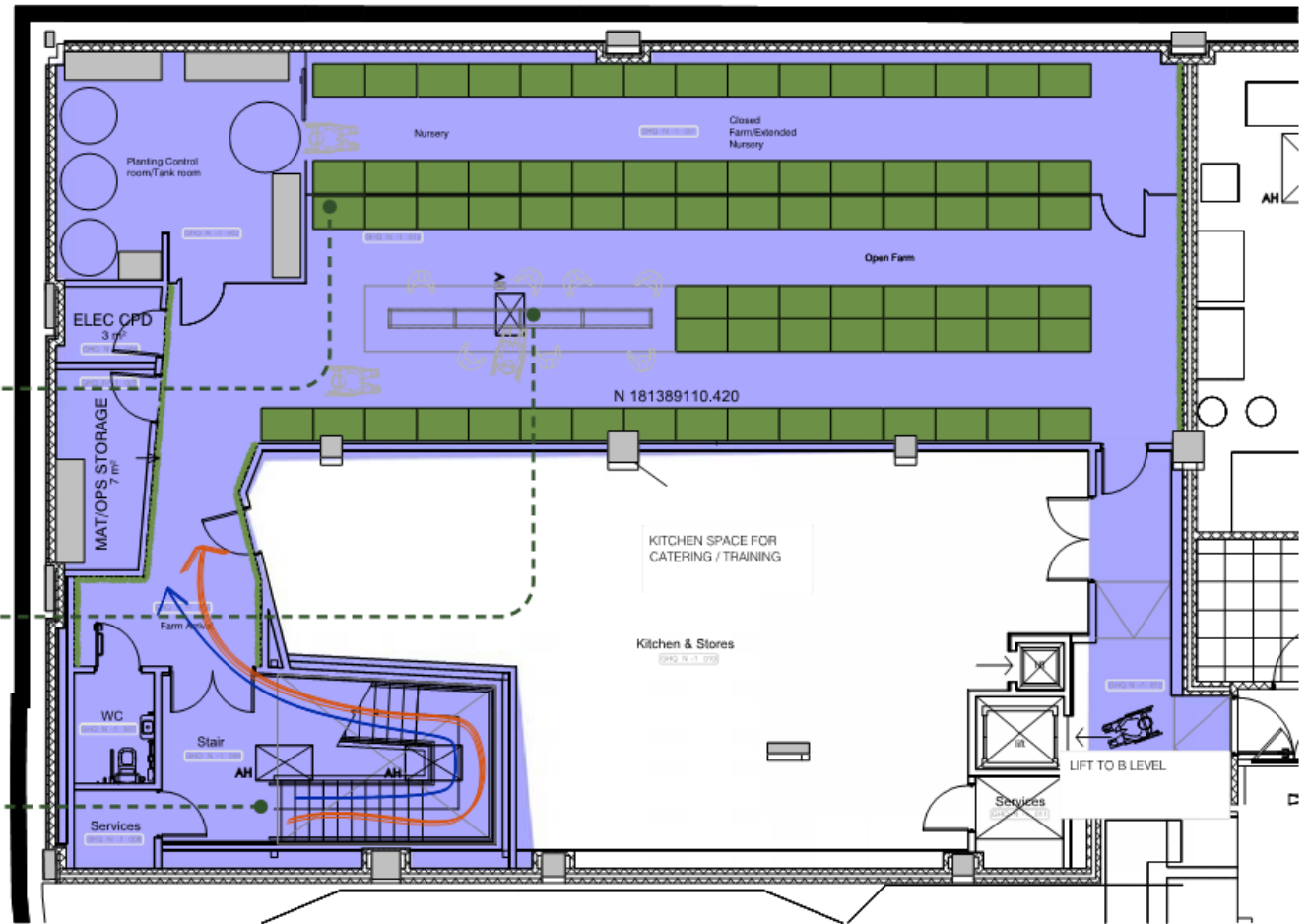


Direct street access

Vertical farm for use by community groups

Chef's table

Stairs to access urban farm on basement level



INNER-CITY

FARM

AT DESTINATION PHARM



A Community Farm in Central London

LOWEST POSSIBLE CARBON FOOTPRINT

Growth-To-Mouth **What Pharm would grow**



Chard Verde a Costa Bianca (Green)



Chard Rhubarb



Chard Red



Red Komatsuna



Green Komatsuna



Lettuce - Cos, Green Oak Leaf, Little Gem



Lollo Rosso/Bionda, Batavia



Bok Choy Green



Bok Choy Dwarf White



Bok Choy Large White



Kale Cavolo Nero (Lacinato)



Kale Scarlet



Kale Curly



Coriander Santo



Coriander Cruiser



Basil Genovese



Basil Thai



Basil Red



Holy Basil



Basil Cinnamon



Lemon Basil



Flat Parsley Italian Giant



Curly Parsley Darki



Chives Thick Leaf



Chives Garlic



Sorrel De Belleville



Sorrel Red Veined



Dill Dukat



Oregano Zaatar



Rosemary Rosita



Curly Parsley



Curly Chervil



English Sage



Winter Thyme



Thick Leaf Chives



Garlic Chives



Lemon Balm





INSIDE PHARM

Unique branding and identity
Vibrant restaurant
Versatile event space
Accessible to everyone
Cutting-edge design and comfort
Healthy, plant-based menu



NEW FIRE ESCAPE DOOR IN EXISTING CURTAIN WALLING. SYSTEMS TO MATCH (PART OF CHANGE OF USE APPLICATION). ALUMINIUM FRAME SYSTEM WITH GLAZED DOOR IN FINISH TO MATCH EXTG.