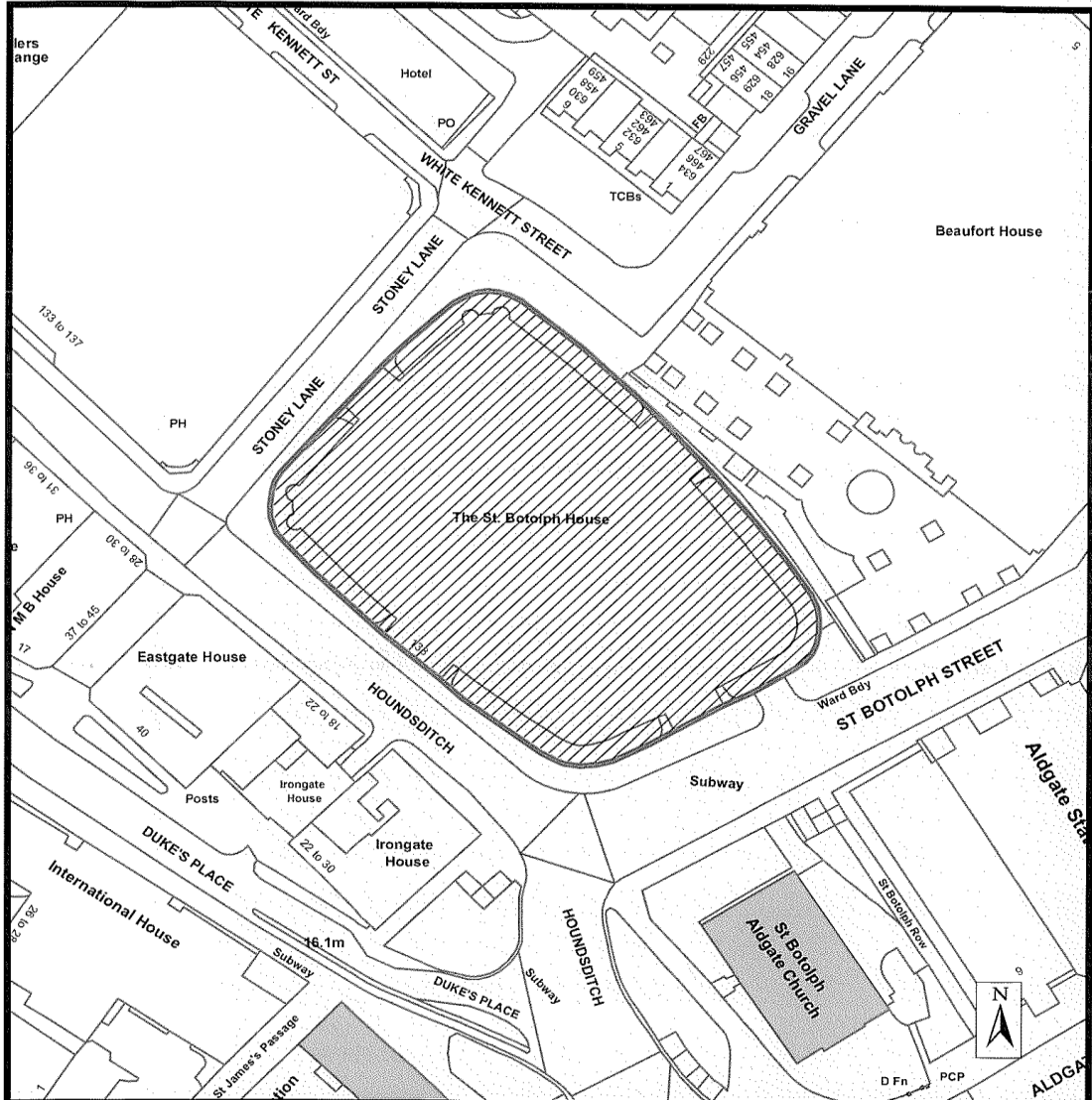


<b>Committee:</b>	<b>Date:</b>
Planning and Transportation	24 July 2012
<b>Subject:</b> St. Botolph House 138 Houndsditch London EC3A 7AG Use as Class A1 shop or Class B1 offices at ground floor level (194sq.m.gia) in lieu of approved Class A1 use.	
<b>Ward:</b> Aldgate	<b>Public For Decision</b>
<b>Registered No:</b> 12/00432/FULL	<b>Registered on:</b> 29 May 2012
<b>Conservation Area:</b> No	<b>Listed Building:</b> No
<p style="text-align: center;"><b><u>Summary</u></b></p> <p>A planning application for the change of use of 194sq m from retail to A1/B1 use has been submitted to provide a reception area for a proposed office occupier of the building.</p> <p>The retail floor space which has a narrow frontage and difficult layout is not part of a principal shopping centre or linkage and has proved difficult to let and the change of use would facilitate a significant office let for a major City occupier.</p> <p><b>Recommendation</b></p> <p>(1) That planning permission be granted for the above proposal in accordance with the details set out in the attached schedule subject to:</p> <p>(a) a unilateral undertaking being received and accepted under Section 106 of the Town &amp; Country Planning Act 1990 in respect of those matters set out in the report, the decision notice not to be issued until agreed.</p>	

## SITE LOCATION APPLICATION PLAN

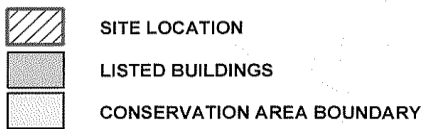
# Site Location Plan



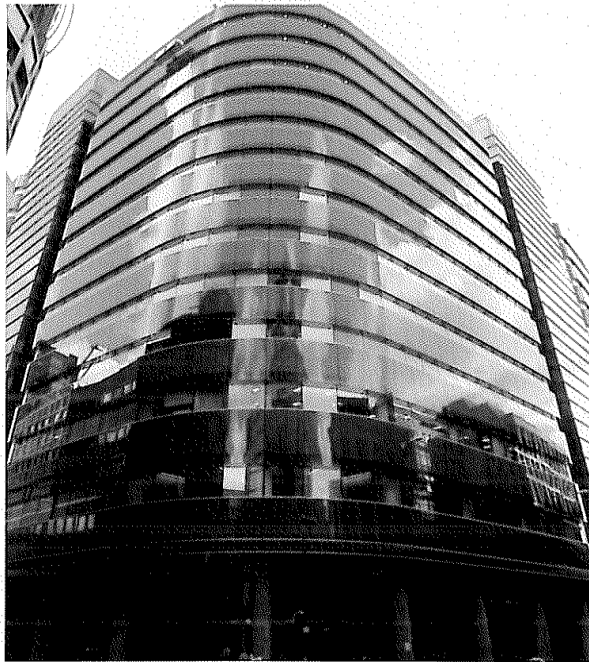
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office © Crown copyright 2004. All rights reserved. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Corporation of London 100023243 2004.

ADDRESS:  
138 Houndsditch, EC3

CASE No.  
12/00432/FULL



DEPARTMENT OF THE BUILT ENVIRONMENT



St. Botolph House  
138 Houndsditch  
12/00432/FULL



### **Site**

1. St Botolph's House is a large office and retail scheme completed in 2010 bounded by Houndsditch, St Botolph's Street, White Kennet Street and Stoney Lane. It has an overall area of 74,615sq.m including 2,424sq.m of retail floor area.
2. It is not in a principal shopping centre or a linkage between them.

### **Relevant Planning History**

3. The St Botolph's House development was completed in accordance with planning permission (07/00387/FULL) granted on 25 April 2008. This application amended earlier permissions granted in 1999 and 2004. The existing retail unit benefits from planning permission for use as a Class A1 retail unit secured by planning submission (09/00330/MDC) to discharge conditions attached to the 2008 permission. This made a number of changes to the scheme which varied the entrances and included changing the area currently under consideration to retail area in lieu of retail floor space which had been lost elsewhere on the site.

### **Proposal**

4. The planning application has been submitted to enable the change of use of 194 sq. m of A1 retail floor space to be used for A1/B1 floor space. The flexible use would enable the area to be used for A1 purposes should the proposed occupier not wish to proceed.
5. The change of use being proposed is to provide a dedicated reception area for a new tenant who is intended to occupy circa 30,000 sq. m of office space in the premises.

### **Consultations**

6. The views of City of London departments have been taken into account in the preparation of this report.
7. Two representations have been received from existing occupiers of the building and a third letter from solicitors acting on behalf of one of those occupiers. These are attached in Appendix B.
8. One objector is concerned about the creation of a dedicated entrance/reception on the grounds that the premises have a substantial common entrance area and has verbally expressed a concern about loss of retail floor space.
9. The second objector has concerns about internal and external signage and is concerned that the proposal could lead to immediate and substantial confusion as to the name of the building and its tenants.
10. They request that if planning permission were granted that there should be control over signage.
11. Solicitors acting on behalf of this objector also object to the loss of the retail unit, stating this conflicts with Core Strategy policy and querying the extent and type of marketing for the retail unit. These points have been addressed in a response from the applicants (attached). They also raised an objection to

the creation of a further office entrance into the building which already benefits from a large and prominent entrance.

12. The present application relates solely to the proposed change of use and does not propose external alterations to the building. There is an existing door in the frontage to the retail unit. The applicant advises that it is not proposed that this would be used in the event of the change of use to Class B1 offices.

### **Policy Context**

13. The development plan consists of the London Plan, the saved policies of the Unitary Development Plan and the Core Strategy. The London Plan, UDP and Core Strategy policies that are most relevant to the consideration of this case are set out in Appendix A to this report.
14. Government Guidance is contained in the National Planning Policy Framework (NPPF).

### **Considerations**

15. The Corporation, in determining the planning application has the following main statutory duties to perform:-
  - to have regard to the provisions of the development plan, so far as material to the application and to any other material considerations. (Section 70 Town & Country Planning Act 1990);
  - to determine the application in accordance with the development plan unless other material considerations indicate otherwise. (Section 38(6) of the Planning and Compulsory Purchase Act 2004).
16. The principal issues in considering this application are:
  - Whether the loss of retail is acceptable in this location and in the circumstances of this case.

### **Economic Development Issues**

17. London's status as a world city is founded to a substantial degree on its concentration of international service activities and, most noticeably, by the clustering of financial and business services in the City of London.
18. The importance that is attached to the maintenance and enhancement of the City's role as one of the world's leading financial and business centres is reflected in the policies of the London Plan and Core Strategy, particularly policies 2.10 and CS1.
19. Policy CS8 seeks to regenerate the amenities and environment of the Aldgate area by promoting it as an attractive office and residential location and by a range of measures to meet residential needs including to encourage local retail facilities.
20. The proposed change of use is required to provide JLT Insurance Brokers with a dedicated reception area which they require if they are to take up circa 30,000sq.m in the building as their new European headquarters. They would access the proposed reception area from the existing main office entrances and would use the existing escalators and lift for disabled persons to access the main lift lobbies at first floor level. If JLG Insurance Brokers were not to occupy the premises the permission for A1/B1 would remain.

21. The retail unit that would be lost has a retail frontage of 8 metres and is 194sq.m in area. It has an unconventional and irregular plan form.
22. The applicants have sought to market it since 2010. They have explored occupation by a variety of different users but no one has come forward wishing to occupy the premises.
23. Policy CS20: retailing seeks to maintain a scattered distribution of convenient local services outside the principal shopping centres and the linkages between them by protecting existing retail facilities unless it is demonstrated that they are no longer required. Two years of marketing have demonstrated that the premises are not attractive to retail occupiers.
24. The other retail units on the site comprise an A3 unit on White Kennet Street occupied by E.A.T. and A1 unit occupied by a Tesco Metro on Houndsditch.
25. A further large vacant retail unit on Houndsditch remains unoccupied although a planning application has been submitted to change the use to a gym (Class D1). The City has been concerned that this unit does not provide access for people with disabilities from ground to the two lower floor levels which form the main part of this unit. The applicants as part of this proposal have agreed to provide a unilateral undertaking to secure such a facility is provided prior to those premises being occupied.
26. The objections that have been raised involve issues that substantially relate to landlord and tenant matters. Should any signage proposed require consent your officers will be mindful of the issues that have been raised in relation to the identification of the building. The loss of this retail unit is considered acceptable in these circumstances for the reasons outlined above.

#### **Planning Obligations and Community Infrastructure Levy**

27. The scheme does not give rise to a S106 or CIL payment. The lift in the adjoining retail unit will be secured through a unilateral undertaking which will provide access from the ground to the lower ground floors for people with disabilities.

#### **Conclusion**

28. The proposed change of use to A1/B1 from the existing A1 use is considered to be in compliance with CS20 and acceptable in the circumstances of this case as it results in the loss of an A1 unit which has proved difficult to let and which will facilitate the occupation of the building by a significant City occupier. In addition it will through a unilateral undertaking secure access for people with disabilities from the ground floor to the lower ground floor levels in the adjacent retail unit.

#### **Background Papers**

Internal

Letter	13.06.2012	Access Advisor
Email	04.07.2012	Case Officer

## External

### Design and Access Statement

Letter	01.05.2012
Letter	28.05.2012
Letter	29.05.2012
Letter	22.06.2012
Email	25.06.2012
Email	25.06.2012
Email	04.07.2012
Email	09.07.2012
Letter	10.07.2012
Email	11.07.2012

November 2007

GVA
Montague Evans (to Minerva plc)
GVA
Minerva plc
Clyde & Co
Lockton Companies LLP
GVA
Minerva plc
Ashfords Solicitors
Minerva Ltd

## **Appendix A**

### London Plan Policies

The London Plan policies which are most relevant to this application are set out below:

Policy 2.10 Enhance and promote the unique international, national and London wide roles of the Central Activities Zone (CAZ) and as a strategically important, globally-oriented financial and business services centre.

Policy 4.2 Support the management and mixed use development and redevelopment of office provision to improve London's competitiveness and to address the wider objectives of this Plan, including enhancing its varied attractions for businesses of different types and sizes.

Policy 4.8 Support a successful, competitive and diverse retail sector which promotes sustainable access to the goods and services that Londoners need and the broader objectives of the spatial structure of this Plan, especially town centres.

Policy 7.2 All new development in London to achieve the highest standards of accessible and inclusive design.

### **Unitary Development Plan and Core Strategy Policies**

#### ***CS1 Provide additional offices***

To ensure the City of London provides additional office development of the highest quality to meet demand from long term employment growth and strengthen the beneficial cluster of activities found in and near the City that contribute to London's role as the world's leading international financial and business centre.

#### ***CS20 Improve retail facilities***

To improve the quantity and quality of retailing and the retail environment, promoting the development of the five Principal Shopping Centres and the linkages between them.

#### ***CS8 Meet challenges facing Aldgate area***

To regenerate the amenities and environment of the Aldgate area for businesses, residents, workers, visitors and students, promoting development and investment.



## **SCHEDULE**

**APPLICATION: 12/00432/FULL**

**St. Botolph House 138 Houndsditch London**

**Use as Class A1 shop or Class B1 offices at ground floor level (194sq.m.gia) in lieu of approved Class A1 use.**

## **CONDITIONS**

- 1     The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To ensure compliance with the terms of Section 91 of the Town and Country Planning Act 1990.
- 2     Refuse shall not be collected and goods and services delivered other than via the communal servicing facilities provided within the curtilage of the building.  
  
REASON: To ensure the satisfactory servicing of the building in accordance with the following policies of the Unitary Development Plan and Core Strategy: UTIL 6, CS10, CS17.
- 3     The development shall not be carried out other than in accordance with the following approved drawings and particulars or as approved under conditions of this planning permission: Drawing nos. 06036 GA L 0GF 01; Site location plan.  
REASON: To ensure that the development of this site is in compliance with details and particulars which have been approved by the Local Planning Authority.

## **INFORMATIVES**

- 1     Access for people with disabilities is a material consideration in the determination of planning applications. The City of London Corporation has published design standards giving advice on access for people with disabilities and setting out the minimum standards it expects to see adopted in the City buildings. These can be obtained from the City's Access Adviser, City Planning Officer and District Surveyor. Further advice on improving access for people with disabilities can be obtained from the City's Access Adviser. Your attention is drawn to the Disability Discrimination provisions of the Equality Act 2010 to ensure that disabled people are not significantly disadvantaged.  
  
Service providers, etc., should make "reasonable adjustments" to facilitate access to their premises and the City asks all applicants for planning permission to ensure that physical barriers to access premises are minimised in any works carried out.

- 2 The provisions of Part 3, Class E, of Schedule 2 to the Town & Country Planning (General Permitted Development) Order 1995 will permit changes of use between Class A1 and Class B1 for a period of ten years from the date of this permission.
- 3 Planning permission is hereby granted only for the change of use. Any works that would materially affect the external appearance of the building will require a separate application for planning permission.
- 4 Reason for Grant of Planning Permission - The decision to grant this planning permission has been taken having regard to the policies in the London Plan, Unitary Development Plan and Core Strategies set out below, relevant government guidance and supplementary planning guidance, representations received and all other relevant material considerations. Objections were made to the application. These were taken into account by the Local Planning Authority but were not considered to outweigh the reasons for granting planning permission.

The proposed change of use to A1/B1 from the existing A1 use is considered to be in compliance with CS20 and acceptable in the circumstances of this case as it results in the loss of an A1 unit which has proved difficult to let and which will facilitate the occupation of the building by a significant City occupier. In addition it will through a unilateral undertaking secure access for people with disabilities from the ground floor to the lower ground floor levels in the adjacent retail unit.

#### London Plan policies

Policy 2.10 To enhance and promote the roles of the CAZ and London's financial and business services.

Policy 4.2 To support mixed use development and offices to improve London's competitiveness

Policy 4.8 Support a diverse retail sector

Policy 7.2 Development to achieve highest standard of inclusive design.

#### Unitary Development Plan and Core Strategy Policies

CS1 Provide additional offices

CS20 Improve retail facilities

CS8 Meet challenges facing Aldgate area