



Appeal Decision

Site visit made on 14 February 2023

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 07 March 2023

Appeal Ref: APP/X5210/W/22/3310196

Centre Point Complex Development Site at 101-103, Unit R05, New Oxford Street, London, WC1A 1DD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Vapiano Ltd against the decision of London Borough of Camden.
 - The application Ref 2022/0525/P, dated 7 February 2022, was refused by notice dated 10 August 2022.
 - The development proposed is creation of an external seating area, including provision of removable 2no umbrellas, 7no tables, 19no chairs, together with planters and screens.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect upon the character and appearance of the area, with particular regard to the setting of the Grade II listed Centre Point complex and the Denmark Street Conservation Area (DSCA).

Reasons

3. Centre Point dates from 1961-66 and comprises a 33-storey tower, a 9-storey block with commercial units at ground floor and offices and residential above (known as Centre Point House) and a first-floor bridge link building, which connects the two. Its special interest relates to its materials with pre-cast concrete and glazed curtain walling, and its composition as Le Corbusier inspired planning in London, as a speculative landmark development symbolic of the sixties and an early mixed use development scheme.
4. It is located in a busy area between New Oxford Street, Charing Cross Road and Ernshaw Street in London. It also falls within the DSCA, which is a large vibrant and architecturally varied area characterised by buildings dating from the 19th and early 20th Century. The Centre Point Complex is a distinct character area in the DSCA, with modern buildings which were developed around a new associated gyratory road layout.
5. The area has been subject to significant investment and regeneration in recent times, due to the formation of new entrances at Tottenham Court Road to the London Underground and the Elizabeth Line. As part of this a comprehensive development scheme at Centre Point was granted consent in 2014 for its repair and refurbishment. As part of the development, St Giles Square was created as a public open area with large areas of paving, fixed benches and soft

landscaping with trees and large round planters. The appeal property, a ground floor unit within Centre Point House is operated as a restaurant, and faces out across this Square.

6. As part of the redevelopment a s106 agreement is in place which secures a Public Realm Management Plan (PRMP). This includes provision for outdoor dining areas to provide a safe and enjoyable dining experience for customers, while keeping the Square safe and accessible. Tables, chairs, umbrellas and heaters are all permissible, however the PRMP states that areas should not be roped off or barricaded. Detailed design guidance for outdoor furniture is also included, specifying types of chairs and tables and parasols.
7. At the time of my visit, which was during the morning when the restaurants were not yet open, there were no tables and chairs outdoors serving the units. I saw that the Square is a pleasant open area which appears to be well managed and cared for. The redevelopment of this area has been sensitively executed, and although modern, makes a positive contribution to the significance of the Centre Point Complex (as derived from its setting) and forms a positive part of the character of the DSCA. The creation of a piazza offers relief from the busy highways which surround the site and a pleasant pedestrian experience.
8. As per the PRMP, the principle of an external seating area serving the units within Centre Point House is accepted, although it is noted that the area proposed is greater than that shown in the PRMP. However, the proposals would incorporate planters and glazed screens/partitions which would be around 1.5m in height. The reason for these is stated to be due to strong winds during all seasons. These would be semi-permanent, in that they could be removed, but it is anticipated that they would remain outside when not in use. The partitions would be adjustable and the appellant indicates that these would be reduced in height when the weather is fair.
9. I accept that the area lends itself to external dining and socialising which would add to the vibrancy of St Giles Square and the wider area. However, the combination of the height, and the fixed nature of the planters and screens would give a distinct sense of enclosure to the Square, at odds with its open and permeable character. There would be no control as to when they were lowered, or indeed if or when they would be removed and it is likely that these would, to all intents and purposes, be a permanent addition.
10. In reaching my findings, I am also mindful that no evidence has been presented in terms of a wind survey to understand the precise nature and extent of the purported effects.
11. The appellant has suggested that a temporary permission for 12 months could be considered as well as a requirement for an operational management plan in order to ensure that the use of the external space and its appearance is suitably managed and maintained. With regard to the temporary permission, Planning Practice Guidance (PPG) advises that circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the

end of that period.¹ However, in light of the harm identified, neither such circumstances would be applicable in this case.

12. Moreover, the PRMP has been designed and executed to carefully curate the public realm and the space created by St Giles Square and its aims would be significantly undermined by the proposed development. The conditioning of a separate management plan specific to this unit, while a helpful suggestion, could undermine the overall strategy for the area and as a wider and cohesive development complex. I am firmly of the view that the correct management vehicle is for the whole scheme, rather than individual units.
13. Overall, the development would result in harm to the setting of the Grade II listed building as it would visually distract from the open setting which affords an appreciation of the Centre Point Complex. It would also fail to preserve or enhance the character and appearance of the DSCA. The development would conflict with Policies D1 and D2 of the Camden Local Plan (2017) which require high quality design and the preservation or enhancement of heritage assets and their settings.
14. Having regard to paragraph 202 of the National Planning Policy Framework, the harm is quantified as less than substantial to these heritage assets. I do not find that this harm is outweighed by public benefits, which as put forward relate to the vibrancy and use of the modern piazza.

Conclusion

15. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

C Searson
INSPECTOR

¹ Paragraph: 014 Reference ID: 21a-014-20140306