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London Borough of Camden
Planning Services
5 Pancras Square
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FAO: Laura Dorbeck

Our Ref: LJW/NDA/LLJ/ACS/U0010439

17 March 2023

Dear Madam,

**247 Tottenham Court Road, London
Town and Country Planning Act 1990 (as amended)
Minor-Material Amendment to Planning Permission Ref. 2020/3583/P**

We write on behalf of our client, M&G Fitzrovia Nominee 1 Limited and M&G Fitzrovia Nominee 2 Limited (the "Applicant"), to submit an application to make minor-material amendments to planning permission ref. 2020/3583/P in respect of 247 Tottenham Court Road, London, London (the "Site").

For the avoidance of doubt, it is proposed to amend the planning permission (ref. 2020/3583/P, dated 30 July 2021) as follows:

"Application under Section 73 of the Town and Country Planning Act 1990 to vary Condition 2 of Planning Permission (ref. 2020/3583/P) dated 30 July 2021 for; Demolition of 247 Tottenham Court Road, 3 Bayley Street, 1 Morwell Street, 2-3 Morwell Street and 4 Morwell Street and the erection of a mixed use office led development comprising ground plus five storey building for office (Class B1) use, flexible uses at ground and basement (Class A1/A2/A3/B1/D1/D2), residential (Class C3) use, basement excavation, provision of roof terraces, roof level plant equipment and enclosures, cycle parking, public realm and other associated works; CHANGES INCLUDE: alterations to roof plant layout, amendments to the green roof, and amendments to the layout and quantum of PVs."

Planning Background

On 30 July 2021 planning permission (LPA ref. 2020/3583/P) was granted for:

"Demolition of 247 Tottenham Court Road, 3 Bayley Street, 1 Morwell Street, 2-3 Morwell Street and 4 Morwell Street and the erection of a mixed use office led development comprising ground plus five storey building for office (Class B1) use, flexible uses at ground and basement (Class A1/A2/A3/B1/D1/D2), residential (Class C3) use, basement excavation, provision of roof terraces, roof level plant equipment and enclosures, cycle parking, public realm and other associated works."

Since the grant of the original planning permission (LPA ref. 2020/3583/P), the applicant has been seeking to discharge various conditions attached to the permission and the development is underway. It commenced demolition works in January 2022.

An application for a non-material amendment to planning permission ref. 2020/3583/P was submitted on 20 February

2023 and (ref.2023/0667/P) and was granted on 16 March 2023. The non-material amendments are sought under that application are for the following:

- (i) Amendment to the location of the cycle entrance to provide new dedicated escape doors on Morwell Street;
- (ii) Proposed horizontal architectural louvres to the UKPN plant room;
- (iii) Amendments to the parapets; and
- (iv) Amendment to the office entrance on Bayley Street.

Pre-Application Engagement

Paragraph 39 and 40 of the NPPF encourage pre-application engagement to enable good quality pre-application discussion. These discussions enable better coordination between public and private resources and improve the efficiency of the planning application system. The Applicant has entered into a Post Approval Agreement, and through the course of two design workshops with Officers, feedback has been incorporated within the design of the proposals.

The changes to the approved permission (LPA ref. 2020/3583/P) are set out below. Following the second workshop with Officers, it was agreed that the proposed amendments to the roof would constitute minor material amendments and require re-assessment of the proposals in relation to design, heritage and townscape.

Planning Policy Context

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. The statutory development plan for the application site comprises: -

- The London Plan (2021); and
- Camden Local Plan (2017)

The NPPF and National Planning Practice Guidance (NPPG) are also material considerations.

Proposed Amendments

Following the grant of planning permission, a detailed design review was progressed by the Applicant and refined by their professional design team, led by Stiff and Trevillion to make design alterations to the extant permission. The broad elements remain the same as the consented planning permission and the overall quantum of floorspace (GIA) will not alter, however following technical design development discussions some of these elements have been required to be altered at the Site.

In addition to the non-material amendments currently pending consideration, the only additional alteration proposed as part of the minor material amendments are the alterations at roof level. These are set out in full in the submitted design document, prepared by Stiff and Trevillion, and comprise the following:

- Amendment to the location of the Roof Plant enclosure screen;
- Amendment to the south core roof entrance door;
- New additional smoke extract plant at roof level;
- New escape gate at roof level;
- Increased green roof provision to run underneath the BMU tracks and PV panels;
- Increase and re-distribution of the number of PV panels; and
- New AOV at roof level of the north core.

Stiff and Trevillion have provided a detailed views analysis of the changes in height on the submitted design statement, including views from Bedford Square.

Further, we have provided evidence that the lift overruns on the scheme have received a derogation from Building Control to highlight how the detailed design has been thoroughly scrutinised to minimise any visual impact to the surrounding townscape.

Planning Policy Assessment

As agreed with Officers, the proposed amendments only need to be considered in policy terms on design and heritage grounds.

Camden Local Plan Policy D1 seeks to secure high quality design in development and to ensure that new developments are attractive, safe and easy to use as well as inclusive and accessible for all. Policy C6 of Camden's Local Plan seeks to promote access for all by expecting all buildings and places to meet the highest standards of accessibility and inclusive design. Further detailed design guidance is set out within the Design CPG published in March 2019

Policy D2 of the Local Plan states that the Council will preserve and where possible appropriate, enhance Camden's rich and diverse heritage assets and their settings. In respect of designated heritage assets, the Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal outweigh the harm.

As established during the original permission, it is clear that the site is located near to Bedford Square, and regard must be had to the impact that the proposals have on townscape and surrounding heritage assets. The committee report for the original application acknowledged at paragraph 11.51 that:-

"Although the slight visibility of the proposed development above the roofline of Bedford Square is regrettable it is not considered to be harmful. The very minor visual impact which would only be apparent in one view during winter and the range of environmental, economic and social public benefits would more than outweigh any perceived harm caused to the setting of the western terrace properties on Bedford Square, the proposed development is considered acceptable in this regard in accordance with Policy D2 of the Local Plan."

The supporting design document prepared by Stiff and Trevillion assesses the amendments proposed as part of this application against the previously approved scheme, and the impact these have on the relevant views which were originally assessed as part of the application. We consider that the conclusions made in terms of heritage impact have not changed since the original application was approved.

We consider that these minor design changes are necessary and have arisen as result of design development and consultation with the London Fire Brigade and building control. The changes are minor in nature and scale and do not depart from any of the design and townscape principles established at the original permission. The design review process explored several refinements to ensure that the required amendments have been designed to be as sensitively and discretely as possible, whilst ensuring that building can be delivered. It is considered that the proposed alterations will not alter the overall scale of the approved scheme and protects the amenity of neighbouring properties and residents.

We consider that the proposed alterations are acceptable in design, heritage and townscape terms and are in accordance with planning policy. Additionally, we consider that the proposed alterations are sufficiently minor in the context of the approved scheme, and this has been agreed with Officers in advance of submission. This application to make minor-material amendments to the planning permission should therefore be granted accordingly.

Condition Amendments

On the basis of the above, we propose the following amendments to Condition 2.

Condition 2 – Approved Drawings

To accommodate the changes proposed, Condition 2 needs to be amended to update the approved drawings list cited at appendix 1. The approved drawings list at Appendix 1 consolidates the approved non-material amendment application (ref. 2023/0667/P) in addition to the minor-material amendments proposed as part of this application to be reflected in the revised condition 2.

The conditions will also need to be updated to reflect those which have been approved since the original permission was granted, which we have provided a list of at appendix 2.

Summary

This submission seeks to make minor material amendments to planning permission (ref. 2020/3583/P) approved on 30 July 2021 under Section 73 of the Town and Country Planning Act 1990 (as amended).

The proposals submitted as part of this application result in a minor amendment to the design at roof level of the approved scheme.

Appendix 1 details the drawings that are sought to be revised as part of this submission.

Application Documentation

In accordance with Camden Council's validation requirements, alongside this Covering Letter we enclose herewith the following documentation for your formal review:

- Completed application form, prepared by Gerald Eve LLP;
- Covering letter, prepared by Gerald Eve LLP;
- CIL Form, prepared by Gerald Eve LLP;
- Ownership Certificate and Notices, prepared by Gerald Eve LLP;
- Building Regulations Derogation letter, dated 16 September 2022;
- Watkins Payne File Note, titled 4650-Fitzrovia-Rep-S73 Roof Plant MDC-03-23;
- Previously Approved and Proposed Drawing Pack, prepared by Stiff and Trevillion; and
- Section 73 Design Document, dated February 2023, prepared by Stiff and Trevillion.

The requisite application fee payment of £266.20 (inclusive of the Planning Portal administration fee) has been made has been made by the applicant concurrent to the submission of this application.

We trust this submission is sufficient for you to validate and determine the application and look forward to receiving confirmation of this in due course.

In the meantime, should you have any questions or queries, then please do not hesitate to contact Liam Lawson Jones (020 3486 3605) or Anna Collingwood-Smith (0738 540 9544) of this office.

Yours faithfully



Gerald Eve LLP

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Appendix 1 – Drawing Schedule

Drawing Title	Consented Drawing Number	Revised Drawing Number
Site Location Plan	4486-ST-PR-01-003-A	-
Site Block Plan	4486-ST-PR-02-002-BP-A	-
Proposed Basement Level 2 Plan	4486-PR-02-098	-
Proposed Basement Plan	4486-PR-02-099-B	-
Proposed Ground Floor Plan	4486-PR-02-100-B	-
Proposed First Floor Plan	4486-PR-02-101-B	-
Proposed Second and Third Floor Plan	4486-PR-02-102-A	-
Proposed Fourth Floor Plan	4486-PR-02-104-A	-
Proposed Fifth Floor Plan	4486-PR-02-105-A	-
Proposed Roof Plan	4486-ST-PR-02-106-B	4486-ST-PR-02-106-C
Proposed Core and Plant Roof Plan	4486-ST-PR-02-107-B	4486-ST-PR-02-107-C
Tottenham Court Road Elevation	4486-PR-ST-03-100-B	4486-PR-ST-03-100-C
Bayley Street Elevation	4486-PR-ST-03-101-B	4486-PR-ST-03-101-C
Morwell Street Elevation	4486-PR-ST-03-102-B	4486-PR-ST-03-102-C
Proposed Section AA	4486-ST-PR-04-100	-
Proposed Section BB	4486-ST-PR-04-101	-
Proposed Section CC	4486-ST-PR-04-102	-
Proposed Section CC	4486-ST-PR-04-103	-
Proposed Section EE	4486-ST-PR-04-104	-

Appendix 2 – List of approved conditions to be updated

Condition number	Planning application reference	Date approved
5 (Solicitors Certificate)	2021/6075/P	22 December 2021
6 (A and B) (Archaeological Evaluation)	2021/4019/P	21 September 2021
6 (C) (Archaeological Recording)	2022/2283/P	04 July 2022
7 (Basement Engineer)	2022/1102/P	07 April 2022
24 (Crossrail 2 Safeguarding)	2022/3202/P	19 August 2022
25(A) (London Underground Infrastructure – Demolition Stage)	2021/3816/P	21 September 2021
25(B) (London Underground Infrastructure – Demolition Stage)	2022/3194/P	25 August 2022
27 (Air Quality Monitors)	2021/3921/P	14 December 2021
29 (Mechanical Ventilation Detail)	2022/2767/P	19 August 2022
26 (Piling Method Statement)	2022/2939/P	28 September 2022

Condition number	Planning application reference	Date approved
32 (Biodiversity Enhancements)	2023/0057/P	08 February 2023
35 (Renewable Maintenance Plan)	2023/0058/P	01 February 2023
36 (Landscaping Specification)	2023/0060/P	08 February 2023
37 (Green Roof Specification and Maintenance Plan)	2023/0074/P	08 February 2023
39 (Air Source Heat Pumps and Maintenance Plan)	2023/0059/P	01 February 2023
42 (Fire Statement)	2023/0075/P	Pending