

Application ref: 2022/3605/P  
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Date: 12 May 2023

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

Phone: 020 7974 4444

[planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
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DP9  
100  
Pall Mall  
London  
SW1Y 5NQ  
undefined

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Variation or Removal of Condition(s) Granted Subject to a Section 106 Legal Agreement**

Address:

**18 - 30 Tottenham Court Road**

**London  
W1T 1AT**

Proposal:

Variation of Condition 5 (operating hours) and condition 10 (retail unit size) of planning permission 2012/2232/P granted on 30/01/2013 (as amended by planning permission 2013/3929/P, 2014/0737/P and 2014/4315/P)(for "extension of retail units and cinema entrance at 18-30 Tottenham Court Road by infilling of double-height arcade, new shopfronts with canopy above; part change of use of ground floor, mezzanine and basement to flexible retail/ food and drink (Class A1 and/or Class A3)" abbrev.) Changes allow for more flexible operating hours for Unit A, and for more flexible food and drink uses for Units A, G and H.

Drawing Nos:

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of the original planning permission ref 2012/2232/P granted on 30/01/2013.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development shall be carried out in accordance with the material details thus approved (under applications ref: 2012/6331/P, 2013/2120/P & 2013/2304/P) .

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:

Planning Statement by Gerald Eve 10 April 2012; Transport Statement by TTP Consulting April 2012; Central Cross Retail Facade Design Studies Addendum to Design & Access Statement (09.07.12); Response to Camden's Review by TTP Consulting dated 2 July 2012; Drawings: 1917.PL.001, 002, 003, 004, 005, 006, 007, 008, 009, 102\_A revH, 103C, 104B, 105B, 106B, 107B, 108B, 109B, 110B; 1917.PL.310, 311 P2, 312 P1, 313 P2. BREEAM pre-assessment phase 3 by ARUP Issue 3 April 2012; Phase 3 Energy Strategy Issue 01 March 2012; Letter from Gerald Eve dated 22 August 2013.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 4 All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage to the satisfaction of the Council. The trees shall be retained and protected during construction work in accordance with the recommendations of the Arboricultural Report by Indigo Surveys dated November 2011 ref: 11317/B1 and associated Tree Protection Plan ref: 11317-B/TPP/01 hereby approved, and shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to design, demolition and construction".

Reason: To ensure that the Council may be satisfied that the development will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area in accordance with the requirements of policy A3 of the London Borough of Camden Local Plan 2017

- 5 The food and drink use hereby permitted (except Unit A) shall not be carried out outside the following times 08:00 to 23:30 Mondays to Thursdays, 08:00 to 00:00 on Fridays and Saturdays and 09:00 to 22:30 on Sundays and public Holidays. Any food and drink use at Unit A shall not be carried out outside the following times 06:00 to 23:30 Mondays to Thursdays, 06:00 to 00:00 on Fridays and Saturdays and 09:00 to 22:30 on Sundays and public Holidays

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of A1 of the London borough of Camden Local Plan 2017.

- 6 Noise levels at a point 1 metre external to sensitive facades shall be at least

5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive facade shall be at least 10dB(A) below the LA90, expressed in dB(A).

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.

- 7 No loading or unloading of goods, including fuel, by vehicles arriving at or departing from the premises shall be carried out otherwise than within the curtilage of the building.

Reason: To avoid obstruction of the surrounding streets and to safeguard amenities of adjacent premises in accordance with the requirements of A1 and T1 of the London Borough of Camden Local Plan 2017.

- 8 The development hereby approved shall provide cycle storage area for 8 bicycles in accordance with the approved details, and thereafter permanently maintained and retained.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

- 9 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, satellite dishes or rooftop 'mansafe' rails shall be fixed or installed on the external face of the buildings.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 10 The retail food and drink uses (Class A3) hereby approved shall not exceed 883sq.m GEA and shall be located within Unit A, Unit G and Unit H as identified on the approved ground floor plan and shall not be occupied by uses other than falling within Classes A1 and A3 of the Town and Country Planning (Uses Classes) Order, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To preserve the retail character of the town centre and to safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies TC1 and TC4 of the London borough of Camden Local Plan 2017.

- 11 The retail units marked Unit E, F and G on the approved drawing PL\_102 rev H shall not be combined with adjacent units to form larger units.

Reason: To ensure that adequate provision is made for small and independent shops and to protect the retail character of the Town Centre in accordance with policy TC1 and TC4 of the London Borough of Camden Local Plan 2017.

- 12 The development hereby approved shall maintain adequate acoustic isolation and odour control in effective order in accordance with the manufacturers' specifications. In the event of no satisfactory ventilation being provided, no primary cooking shall take place on the premises.

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.

Informative(s):

- 1 Reason for granting permission:

Consent is sought to amend conditions 5 (opening hours) and 10 (retail unit size).

The application therefore proposes to amend condition 5 as follows:

"The food and drink use hereby permitted (except Unit A) shall not be carried out outside the following times 08:00 to 23:30 Mondays to Thursdays, 08:00 to 00:00 on Fridays and Saturdays and 09:00 to 22:30 on Sundays and public Holidays. Any food and drink use at Unit A shall not be carried out outside the following times 06:00 to 23:30 Mondays to Thursdays, 06:00 to 00:00 on Fridays and Saturdays and 09:00 to 22:30 on Sundays and public Holidays."

The amended wording of condition 5 would allow food and drink uses in Unit A specifically to begin operating at 06:00 as opposed to 08:00 (to accommodate the proposed tenant's business model). The unit is a small unit and would generate a moderate level of additional footfall within the extended period. The site is located on a busy red route and it is considered that in the context of other existing noise sources the extended opening hours for Unit A would not have an adverse impact on the amenity of surrounding uses.

Condition 10 is proposed to be amended to read as follows:

"The retail food and drink uses hereby approved shall not exceed 315sqm 883sq.m GEA and shall be located within Unit A, Unit G and Unit H as identified on the approved ground floor plan and shall not be occupied by uses other than falling within Classes A1 and A3 of the Town and Country Planning (Uses Classes) Order, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification."

The amended wording of condition 10 would allow for a greater proportion of food and drink uses within the development an increase from 315sqm to 883sqm in Units A, G and H. Consideration is given to the introduction of Class E (which was introduced to allow for greater flexibility regarding town centre uses) and changes to demand for traditional retail units. It is considered that

the amended wording would still provide sufficient control over retail at the site while allowing the units to operate and be let out efficiently.

The proposals accord with the policy objectives for the primary retail frontages, with an acceptable balance of retail units remaining within non food and drink uses. The restrictions on the mix of uses, secured through Condition 10, maintains sufficient control over the retail at this site. The proposed extension of opening hours in the morning for Unit A is not considered to have an adverse impact on surrounding uses.

A Deed of Variation would be required to ensure the obligations secured by the original application would still be secured.

The planning and appeal history of the site has been taken into account when coming to this decision. No objections were received prior to making this decision.

As such, the proposed development is in general accordance with policies TC1, TC2, TC4, D1 and A1 of the Camden Local Plan 2017. The development also accords with the NPPF 2021 and the London Plan 2021.

- 2 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions (and obligations where applicable) as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).
- 3 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 4 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.
- 5 This permission is granted without prejudice to the necessity of obtaining consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Application forms may be obtained from the Council's website, [www.camden.gov.uk/planning](http://www.camden.gov.uk/planning) or the Camden Contact Centre on Tel: 020 7974 4444 or email [env.devcon@camden.gov.uk](mailto:env.devcon@camden.gov.uk).
- 6 The correct street number or number and name must be displayed permanently on the premises in accordance with regulations made under Section 12 of the London Building (Amendments) Act 1939.
- 7 This proposal may be liable for the Mayor of London's Community

Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at [www.camden.gov.uk/cil](http://www.camden.gov.uk/cil) for more information, including guidance on your liability, charges, how to pay and who to contact for more advice. Camden adopted new CIL rates in October 2020 which can be viewed at the above link.

- 8 You are advised that the Transport Strategy Team should be consulted regarding the construction of the crossover on the public highway and any other work to, under, or over, the public highway, including vaults and thresholds. tel: 020-7974 5543 for further advice and information.
- 9 Your attention is drawn to the need for compliance with the requirements of the Environmental Health regulations, Compliance and Enforcement team, [Regulatory Services] Camden Town Hall, Argyle Street, WC1H 8EQ, (tel: 020 7974 4444) particularly in respect of arrangements for ventilation and the extraction of cooking fumes and smells.
- 10 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 are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 11 You are advised that condition ... means that no customers shall be on the premises and no noise generating activities associated with the use, including preparation and clearing up, shall be carried out otherwise than within the permitted time.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

If you submit an appeal against this decision you are now eligible to use the new [submission form](#) (Before you start - Appeal a planning decision - GOV.UK).

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is positioned in the upper left corner of the page.

Daniel Pope  
Chief Planning Officer