

Application ref: 2023/1155/P
Contact: Laura Dorbeck
Tel: 020 7974 1017
Email: Laura.Dorbeck@camden.gov.uk
Date: 5 July 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
www.camden.gov.uk/planning

Gerald Eve LLP
One Fitzroy Place
6 Mortimer Street
London
W1T 3JJ

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:

**237 - 247 Tottenham Court Road
1 - 3 Bayley Street
1 - 4 Morwell Street
London W1**

Proposal:

Variation of condition 2 (approved drawings) of planning permission ref 2020/3583/P dated 30/07/2021 (for the 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), namely to include alterations to plant and plant enclosures, changes to cores and lift overruns for fire safety, increase in area of green roof and PV panels, and new escape gate, all at roof level. Drawing Nos: 4486-ST-PR-01-003 A, 4486-PR-03-100 A, 4486-PR-ST-03-101 C, 4486-PR-ST-03-102 D, 4486-ST-PR-02-106 C, 4486-ST-PR-02-107 C, Design Statement dated March 2023, Cover letter dated 17th March 2023, lift derogation letter by Department for Business, Energy & Industrial Strategy dated 16th September 2022, Technical Note: Section 73 - Roof Plant Extension by Watkins Payne.

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

Condition(s) and Reason(s):

1 Implementation

The development hereby permitted must be begun not later than the end of three years from the date of the original permission ref. 2020/3583/P granted 30/07/2021.

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

2 Approved drawings

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

4486-ST-PR-01-003 A, 4486-ST-PR-02-002-BP-A, 4486-PR-02-098, 4486-PR-02-099-B, 4486-PR-02-100 A, 4486-PR-02-101 B, 4486-PR-02-102 A, 4486-PR-02-104-A, 4486-PR-02-105-A, 4486-ST-PR-02-106 C, 4486-ST-PR-02-107 C, 4486-PR-ST-03-100-C, 4486-PR-ST-03-101-A, 4486-PR-ST-03-102-B, 4486-ST-PR-04-100, 4486-ST-PR-04-101, 4486-ST-PR-04-102, 4486-ST-PR-04-103, 4486-ST-PR-04-104.

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

3 Detailed drawings / samples

Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

a) Details including plans, coloured elevations and sections at 1:20 of all new windows (including jambs, head and cill), ventilation grilles, external doors, screening, balustrades, parapets, gates, planters and associated elements and lighting fixtures;

b) Plan, coloured elevation and section drawings, including fascia, cornice, pilasters and glazing panels of the new shopfronts at a scale of 1:20;

c) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site) or via high-resolution email photographs if site viewing is not possible). Samples of materials to be provided at a suitable size (eg. 1x1m) and alongside all neighbouring materials;

d) Plan, coloured elevation and section drawings of a typical terracotta bay at a scale of 1:20;

e) Plan, coloured elevation and section drawings of a typical brick bay at a scale of 1:20;

f) Plan, coloured elevation and section drawings of rooftop plant enclosure at a scale of 1:50. The height of the plant enclosure shall be no higher than that

shown in the drawings hereby approved as an absolute maximum. All roof level plant machinery is to be housed within the drawn screening. No enlargement in height or footprint will be permitted, including all screening and lift over run unless otherwise agreed with the Council.

g) Detailed drawings of two wall-mounted street lamps to be fixed to the Morwell Street elevation.

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

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 Camden Local Plan 2017.

4 External fixtures

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, without the prior approval in writing of the local planning authority.

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 Camden Local Plan 2017.

5 Building contract

The development shall be completed in accordance with the solicitors' certificate as approved under reference 2021/6075/P dated 22/12/2021.

Reason: In order to safeguard the character and appearance of the streetscene and the special historic interest of the area in accordance with the requirements of policies D1 and D2 of the Camden Local Plan 2017.

6 Archaeological Written Scheme of Investigation

The development shall be carried out in accordance with the stage 1 written scheme of investigation (WSI), the programme and methodology of site evaluation, and the nominated competent person(s) or organisation undertaking the agreed works as approved under reference 2021/4019/P dated 22/09/2021.

The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material shall be completed in accordance with the programme set out in the stage 2 WSI as approved under reference 2022/2283/P dated 30/06/2022.

Reason: Important archaeological remains may exist on this site. Accordingly the Local planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development

in accordance with the requirements of policy D2 of the London Borough of Camden Local Plan 2017.

7 Details of basement engineer

AKT II Ltd shall inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body in accordance with the details as approved under reference 2022/1102/P dated 07/04/2022.

Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

8 Noise standards

The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dBLAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason: To safeguard the amenities of neighbouring noise sensitive receptors in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

9 Noise standards

Prior to commencement of installation of any plant equipment, full details (including plans, elevations, manufacturer specifications and sections) of the proposed plant equipment and enclosure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the external noise level emitted from plant/ machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the typical background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To safeguard the amenities of neighbouring noise sensitive receptors in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

10 Accessible and adaptable dwellings

All units hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (2) with at least 10% designed and constructed in accordance with Building Regulations Part M4 (3) adaptable.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy H6 of the Camden Local Plan 2017.

11 Public café

The proposed café at ground floor level fronting Bayley Street and Morwell Street shall be retained in this location and remain accessible to members of the public during hours of opening.

Reason: To safeguard the character, function, vitality and viability of the area in accordance with policies G1, TC1 and TC3 of the Camden Local Plan 2017.

12 Flexible Retail use

A minimum of 80% of the ground floor level fronting Tottenham Court Road annotated on the plans as flexible retail space shall be occupied in A1, A2 or A3 use at any one time.

Reason: To safeguard the character, function, vitality and viability of the area in accordance with policies G1, A1, TC1 and TC3 of the Camden Local Plan 2017.

13 Flexible D1 / B1 frontage

The proposed ground floor windows on Morwell Street serving the proposed flexible D1/B1 space shall be retained as an active frontage to the street.

Reason: To safeguard the character, function, vitality and viability of the area and to secure an active retail frontage to assist with passive surveillance and pedestrian activity along Tottenham Court Road in accordance with policies G1, A1, TC1 and TC3 of the Camden Local Plan 2017.

14 Retail frontage

The proposed ground floor retail windows on Tottenham Court Road shall at all times include a shop front display to the street.

Reason: To safeguard the character, function, vitality and viability of the area and to secure an active retail frontage to assist with passive surveillance and pedestrian activity along Tottenham Court Road in accordance with policies G1, A1, TC1 and TC3 of the Camden Local Plan 2017.

15 Flexible D1 use

Notwithstanding the provisions of Class D1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, the

proposed Flexible D1/B1 unit hereby approved shall not be used as a place of worship.

Reason: To ensure that the future occupation of the building does not adversely affect the adjoining premises or immediate area by way of noise, in accordance with policies G1, A1 and A4 of the Camden Local Plan 2017.

16 Office terraces hours of use

The use of the roof terraces associated with the office use shall not be carried out outside the following times 0730-2100 Mondays to Saturdays and 0830-2000 on Sundays and Bank Holidays.

Reason: To safeguard the amenities of the nearest residential properties and the area generally in accordance with the requirements of policies G1, A1, A4 and TC2 of the London Borough of Camden Local Plan 2017.

17 No audible music played on terrace

No music shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, D1, A1, and A4 and TC1 and TC2 of the London Borough of Camden Local Plan 2017.

18 Hours of use: café

The proposed café at ground floor level fronting Bayley Street and Morwell Street shall not be open outside the following hours:

08:00-19:00 Monday to Friday and 09:00-18:00 on Saturdays and Sundays

Reason: To ensure that the amenity of occupiers of residential properties in the area is not adversely affected by noise and disturbance in accordance with policy A1 of the Camden Local Plan 2017.

19 Hours of use: Flexible A1/A2/A3/D2

The proposed flexible A1/A2/A3/D2 use hereby approved shall not be open outside the following hours:

07:00-22:00 Monday to Sunday

Reason: To ensure that the amenity of occupiers of residential properties in the area is not adversely affected by noise and disturbance in accordance with policy A1 of the Camden Local Plan 2017.

20 Waste storage / removal

At least six months prior to completion, details of the location, design and method of waste storage and removal including recycled materials, shall be

submitted to and approved by the local planning authority in writing. The facility as approved shall be provided prior to the first occupation of any of the new units and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policies A1 and CC5 of the Camden Local Plan 2017.

21 Delivery and refuse items

All refuse and recycling bins, delivery cages, trolleys and any other items linked to deliveries and collection in association with the development hereby permitted are to be stored within the buildings and only brought out onto the public highway when deliveries are being made or refuse collected and returned to within the building immediately thereafter.

Reason: In the interests of visual amenity and to prevent obstruction and inconvenience to users of the public highways, in accordance with policies A1, CC5 and T1 of the Camden Local Plan 2017.

22 Installation of cycle parking

Prior to the occupation of the development, the cycle storage areas (including 136 spaces for the office accommodation with 5 spaces for recumbent spaces, and 16 spaces for the residential units) shall be provided in their entirety prior to the first occupation of the development, and permanently retained thereafter.

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

23 External doors

All external doorways, except for fire doors or for access to utilities, should not open outwards towards the public highway/footway/courtyard spaces. The proposed doors must either open inwards or have a sliding door so they do not restrict the flow of pedestrians or risk being opened onto those passing by.

Reason: In order to enhance the free flow of pedestrian movement and promote highway safety and amenity in accordance with policies D1 and T1 of the Camden Local Plan 2017.

24 Crossrail 2 Safeguarding

The development shall be completed in accordance with the detailed design and construction method statements for all the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), as approved under reference 2022/3202/P dated 19/08/2022, or with other such details submitted to and approved in writing by the Local Planning Authority which:

i. Accommodate the proposed location of the Crossrail 2 structures including tunnels, shafts and temporary works,

- ii. Accommodate ground movement arising from the construction thereof,
- iii. Mitigate the effects of noise and vibration arising from the operation of the Crossrail 2 railway within the tunnels and other structures.

The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs (i), (ii) and (iii) of this condition shall be completed, in their entirety, before any part of the buildings are occupied.

Reason: To safeguard the strategic infrastructure improvement project, Crossrail, in accordance with the requirements of policy T3 of the London Borough of Camden Local Plan 2017.

25 London Underground Safeguarding

The demolition of the development hereby permitted shall be completed in accordance with the impact assessment safeguarding measures and impact to London Underground assets and method statement of the demolition as approved under reference 2021/3816/P dated 21/09/2021, or with other such details prepared in consultation with London Underground which have been submitted to and approved in writing by the local planning authority.

The development hereby permitted shall be completed in accordance with the detailed design and method statements as approved under reference 2022/3194/P dated 25/08/2022, or with other such detailed design and method statements (which have been prepared in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), which have been submitted to and approved in writing by the local planning authority which:

- provide construction details on all structures
- accommodate the location of the existing London Underground structures and tunnels
- accommodate ground movement arising from the construction thereof by submitting tunnel impact assessment to LU
- and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason: To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with the requirements of policy T3 of the London Borough of Camden Local Plan 2017.

26 Piling method statement

Piling shall be carried out in accordance with the piling method statement as approved under reference 2022/2939/P dated 28/09/2022, or with other such statement submitted to and approved in writing by the local planning authority in consultation with Thames Water, detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: To safeguard existing below ground public utility infrastructure and controlled waters in accordance with the requirements of policies CC1, CC2 and CC3 of the Camden Local Plan 2017.

27 Construction related impacts - Monitoring

Air quality monitoring shall be carried out on site in accordance with the details of air quality monitors as approved under reference 2021/3921/P dated 14/12/2021, or with other such details submitted to and approved by the local planning authority which shall include the location, number and specification of the monitors, including evidence of the fact that they have been installed in line with guidance outlined in the GLA's Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance.

The monitors shall be retained and maintained on site for the duration of the development in accordance with the details thus approved.

Reason: To safeguard the amenity of adjoining premises and the area generally in accordance with the requirements of policies A1 and CC4 of the London Borough of Camden Local Plan 2017.

28 Non-road mobile machinery

All non-road mobile machinery (any mobile machine, item of transportable industrial equipment, or vehicle - with or without bodywork) of net power between 37kW and 560kW used on the site for the entirety of the demolition and phases of the development hereby approved shall be required to meet Stage IIIA of EU Directive 97/68/EC. The site shall be registered on the NRMM register for the demolition and construction phases of the development.

Reason: To safeguard the amenities of the adjoining occupiers, the area generally and contribution of developments to the air quality of the borough in accordance with the requirements of policies CC1, CC2 and CC4 of the Camden Local Plan 2017.

29 Details of mechanical ventilation

Mechanical ventilation shall be installed in accordance with the details as approved under reference 2022/2767/P dated 19/08/2022, or with other such details of the mechanical ventilation including air inlet locations and filters which have been submitted to and approved by the local planning authority in writing. Air inlet locations should be located away from busy roads and other relevant sources of emissions and as close to roof level as possible, to protect

internal air quality. The development shall thereafter be constructed and maintained in accordance with the approved details.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies TC1, A1 and A4 of the Camden Local Plan 2017.

30 NO2 filtration details

Prior to occupation, evidence that an appropriate NO2 filtration system on the mechanical ventilation intake has been installed and a detailed mechanism to secure maintenance of this system should be submitted to the Local Planning Authority and approved in writing.

Reason: To safeguard the amenities of the prospective occupiers, adjoining premises and the area generally in accordance with the requirements of policies A1, CC1, CC2 and CC3 of the Camden Local Plan 2017.

31 Bird and bat boxes

Prior to first occupation of the development a plan showing details of bird and bat box locations and types and indication of species to be accommodated shall be submitted to and approved in writing by the local planning authority. The boxes shall be installed in accordance with the approved plans prior to the occupation of the development and thereafter retained.

Reason: In order to secure appropriate features to conserve and enhance wildlife habitats and biodiversity measures within the development, in accordance with the requirements of policy A3 of the Camden Local Plan 2017.

32 Biodiversity enhancements

Biodiversity enhancements shall be installed in accordance with the details as approved under reference 2023/0057/P dated 08/02/2023, or with other such details of biodiversity enhancements incorporating the recommendations from the Preliminary Ecological Appraisal which have been submitted to and approved in writing by the local planning authority.

The measures shall be installed prior to the occupation of the development and retained thereafter.

Reason: In order to secure appropriate features to conserve and enhance wildlife habitats and biodiversity measures within the development, in accordance with the requirements of policy A3 of the Camden Local Plan 2017.

33 Breeding bird protection

The proposed demolition or any site clearance should be undertaken outside the breeding bird season (i.e. it should be undertaken in the period September to January inclusive). Should it prove necessary to undertake demolition or clearance works during the bird nesting season, then a pre-works check for nesting birds should be undertaken by a qualified ecologist. If any active nests

are found, works should cease and an appropriate buffer zone should be established (the qualified ecologist would advise). This buffer zone should be left intact until it has been confirmed that the young have fledged and the nest is no longer in use.

Reason: In order to ensure the development safeguards protected and priority species in accordance with policy A3 of the Camden Local Plan 2017.

34 Bat protection

During any internal or external demolition of buildings or any site clearance, a precautionary measure is required that all contractors are aware of potential roosting bats and that external features such as roof tiles and other features which may support bats (i.e. areas with cracks or holes providing access routes for bats) should be removed by hand. There is a required formalisation of a protocol as to the steps to be taken in the event that a bat or bats is/are found during the demolition works. Should bats or their roosts be identified then works must cease and the applicant will be required to apply for, and obtain, a European Protected Species Licence and submit proof of this to the authority before work recommences. Additionally they will be required to submit a method statement detailing features to be retained and added to site to maintain and replace roost and foraging features on the site.

Reason: In order to ensure the development safeguards protected and priority species in accordance with policy A3 of the Camden Local Plan 2017.

35 Details of PV panels

PV panels shall be installed in full accordance with the details as approved under reference 2023/0058/P dated 01/02/2023, or with other such details submitted to and approved by the Local Planning Authority which shall include drawings and data sheets showing the location, extent and predicted energy generation of photovoltaic cells and associated equipment to be installed on the building. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. A site-specific lifetime maintenance schedule for each system, including safe roof access arrangements, shall be provided.

The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of policies CC1 and CC2 of the Camden Local Plan 2017.

36 Landscaping details

Landscaping to the terraces at fourth floor, fifth floor and roof level shall be completed in accordance with the details as approved under reference 2023/0060/P dated 07/02/2023, or with other such details submitted to and approved in writing by the local planning authority. Details shall include species, indicative images and details of the maintenance programme.

The building shall not be occupied until the approved details have been implemented and these works shall be permanently retained and maintained thereafter.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies A3, CC2 and CC3 of the London Borough of Camden Local Plan 2017.

37 Green Roof details

The green roof area indicated on the approved roof plan shall be installed in accordance with the details as approved under reference 2023/0074/P dated 07/02/2023, or with other such details which have been submitted to and approved in writing by the local planning authority. Details of the green roof provided shall include: species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the green roof, as well as details of the maintenance programme for green roof.

The buildings shall not be occupied until the approved details have been implemented and these works shall be permanently retained and maintained thereafter.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies A3, CC2 and CC3 of the London Borough of Camden Local Plan 2017.

38 Sustainable Drainage

The sustainable drainage system as approved (Drainage Strategy authored by AKT II, dated October 2020) shall be installed as part of the development to accommodate all storms up to and including a 1:100 year storm with a 40% provision for climate change, such that flooding does not occur in any part of a building or in any utility plant susceptible to water and to achieve a site run-off rate of 2 l/s. The system shall include 120 m³ attenuation tank and 365 m² green roof with a minimum soil depth of 150 mm, as stated in the approved drawings and shall thereafter retained and maintained in accordance with the approved maintenance plan.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies CC2 and CC3 of the London Borough of Camden Local Plan 2017.

39 Air source heat pump details

Air source heat pumps shall be installed in accordance with the details as approved under reference 2023/0059/P dated 01/02/2023, or with other such details which have been submitted for approval. Such details shall include details, drawings and data sheets showing the location, Seasonal Performance Factor of at least 2.5 and Be Green stage carbon saving of the air source heat pumps and associated equipment to be installed on the building. The

measures shall include the installation of a metering details including estimated costs to occupants and commitment to monitor performance of the system post construction. A site-specific lifetime maintenance schedule for each system, including safe access arrangements, shall be provided.

The equipment shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of policy CC1 of the London Borough of Camden Local Plan 2017.

40 Water use

The development hereby approved shall achieve a maximum internal water use of 105 litres/person/day. The dwellings shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CC1, CC2 and CC3 of the Camden Local Plan 2017.

41 Diversion of waste from landfill

The demolition hereby approved shall divert 85% of waste from landfill and comply with the Institute for Civil Engineer's Demolition Protocol and either reuse materials on-site or salvage appropriate materials to enable their reuse off-site. Prior to occupation, evidence demonstrating that this has been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development contributes to reducing waste and supporting the circular economy in accordance with the requirements of policy CC1 of the London Borough of Camden Local Plan 2017.

42 Fire statement

No above ground new development shall commence (excluding demolition and any site preparation works) until a Fire Statement has been submitted to and approved in writing by the Local Planning Authority. The Fire Statement shall be produced by an independent third party suitably qualified assessor which shall detail the building's construction, methods, products and materials used; the means of escape for all building users including those who are disabled or require level access together with the associated management plan; access for fire service personnel and equipment; ongoing maintenance and monitoring and how provision will be made within the site to enable fire appliances to gain access to the building. The relevant Phase of the development shall be carried out in accordance with the approved details.

Reason: In order to provide a safe and secure development in accordance with policy D12 of the London Plan 2021.

Informative(s):

1 Reasons for granting permission

Planning permission was previously granted for the demolition of all buildings on site and the erection of a new mixed use building comprising office, flexible commercial and residential uses (reference 2020/3583/P granted 30th July 2021).

Several conditions have since been discharged and the development has commenced on site. Permission is now sought for a number of design alterations to the extant permission following a detailed design review and consultation with London Fire Brigade and Building Control. The proposed amendments are largely required to meet current fire standards and comprise the following alterations at roof level:

- Amendment to the footprint 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.

The proposed amendments are generally minor changes that will have limited impact on the design and appearance of the rooftop plant area. Due to the sensitivity of the Grade I listed Bedford Square terraces to the east, the applicant has worked to ensure that the amendments would not result in an increase in the height of the approved plant enclosure and that the necessary changes to plant are largely incorporated within the existing building profile. The most significant change is an increase in the footprint of the plant enclosure to the south by 2.4m.

A detailed views analysis has therefore been prepared to enable a full assessment of the visual impact of the changes in views from Bedford Square. The views show that there would be a very minor increase in visibility from Bedford Square. Whilst this is not a welcome change to the approved scheme, it is not deemed sufficient to warrant a reason for refusal nor to result in harm to the setting of the heritage asset. The Council's Conservation and Urban Design officers have reviewed the proposals and confirmed the amendments are acceptable. Overall the works do not harm the character or appearance of the host building and conservation area and the setting of nearby listed buildings. It is noted that, although in this case the minor increase in visibility is accepted, any future changes that increase this further would be highly unlikely to be acceptable.

The proposed increases in green roof and PV panel are welcome, and are in accordance with the details submitted to discharge the relevant conditions securing details of these (refs. 2023/0058/P and 2023/0074/P).

No objections were received prior to the determination of this application and the planning history of the site has been taken into account when coming to this decision. Historic England, London Underground, London Borough of Westminster, and GLAAS have responded to confirm they have no comments on the proposals. The Health and Safety Executive (HSE) were consulted as a statutory consultee in relation to fire safety matters and confirmed that the HSE is content with the fire safety design as detailed in the application.

Special regard has been attached to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses, and of preserving or enhancing the character or appearance of the conservation area, under s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

As such, the proposed development is in general accordance with policies D1 and D2 of the Camden Local Plan 2017 and the Fitzrovia Area Action Plan 2014. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2021.

- 2 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 for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.
- 3 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).
- 4 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 5 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)

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.

- 6 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 will be granted until the Construction Management Plan is approved by the Council.
- 7 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 or the Camden Contact Centre on Tel: 020 7974 4444 or email env.devcon@camden.gov.uk.
- 8 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.
- 9 Mitigation measures to control construction-related air quality impacts should be secured within the Construction Management Plan as per the standard CMP Pro-Forma. The applicant will be required to complete the checklist and demonstrate that all mitigation measures relevant to the level of identified risk are being included.
- 10 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any subsequent amendments, the commercial units on part of the ground and lower ground floors can change between the Class A1/A2/A3/D1/D2/B1 uses shown on the floorplans hereby approved for 10 years without further planning permission (notwithstanding the provisions of condition 12). The actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change.
- 11 All references to Use Classes within this permission are to the Use Classes as stated in the Town and Country Planning (Use Classes) Order 1987 as at 31 August 2020.
- 12 It is recommended that the residential units achieve 'Secured by Design -

Silver' accreditation. You can find further information about 'Secured by Design' by reading the following guide:
https://www.securedbydesign.com/images/downloads/HOMES_BROCHURE_2019.pdf

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 written over a light grey rectangular background.

Daniel Pope
Chief Planning Officer