

# MAYOR OF LONDON

**Conor McDonagh**  
London Borough of Camden  
Development Control Planning Services  
Town Hall  
Argyle Street  
London, WC1H 8ND

**Our ref:** P&D/3144/02  
**Your ref:** 2013/3880/P  
**Date:** 10 October 2013

Dear Conor,

**Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008**

**251-258 Tottenham Court Road, 1 Bedford Avenue and 15 Morwell Street, WC1  
Local Planning Authority Reference: 2013/3880/P**

I refer to your letter of 27 September 2013 informing me that Camden Council is minded to agree a dual recommendation resolving to grant permission but giving delegated authority for officers to refuse permission if the Section 106 agreement is not signed within a specified date. I refer you also to the notice that was issued on 30 September 2013 under the provisions of article 5(1)(b)(i) of the above Order.

Having now considered a report on this case I am content to allow Camden Council to determine the case itself, subject to any action that the Secretary of State may take, and do not therefore wish to direct refusal or to take over the application for my own determination.

Yours sincerely



**Boris Johnson**  
Mayor of London

cc Andrew Dismore, London Assembly Constituency Member  
Nicky Gavron, Chair of London Assembly Planning Committee  
National Planning Casework Unit, DCLG  
Alex Williams, TfL  
Gerald Eve LLP, 72 Welbeck Street, London, W1G 0AY



9 October 2013

## 251- 258 Tottenham Court Road

in the London Borough of Camden

planning application no. no.2013/3880/P

### Strategic planning application stage II referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008

### The proposal

Demolition of 251- 258 Tottenham Court Road and 1 Bedford Avenue and redevelopment to provide retail use (Use Class A1) at part lower ground and part ground floors and office use (Use Class B1) on part lower ground, part ground and first to seventh floors and associated works.

### The applicant

The applicant is **Exemplar Properties (Bedford) Ltd**, and the agent is **Gerald Eve**.

### Strategic issues

Consultation stage issues in relation to **energy strategy** compliance and **transport** have been resolved. At the consultation the scheme was viewed as acceptable in terms of mix of use, urban design and access.

### The Council's decision

In this instance Camden Council has resolved to agree a dual recommendation resolving to grant permission but giving delegated authority for officers to refuse permission if the Section 106 agreement is not signed.

### Recommendation

That Camden Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal or direct that he is to be the local planning authority.

### Context

1 On 12 July 2013 the Mayor of London received documents from Camden Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Category 1c of the Schedule to the Order 2008:

*1) Development which comprises or includes the erection of a building of one or more of the following descriptions: (c) the building is more than 30 metres high and is outside the City of London.*

2 On 21 August 2013 the Mayor considered planning report PDU/3144/02, and subsequently advised Camden Council that the application did not comply with the London Plan, for the reasons set out in paragraph 47 of this report; but that the possible remedies set out could address these deficiencies.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. Since then, the application has been revised in response to the Mayor's concerns (see below). On 26 September 2013 Camden Council agreed a dual recommendation resolving to grant permission but giving delegated authority for officers to refuse permission if the Section 106 agreement is not signed within a specified date, for the revised application, and on 30 September 2013 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, direct Camden Council under Article 6 to refuse the application or issue a direction to Camden Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application. The Mayor has until 10 October 2013 to notify the Council of his decision and to issue any direction.

4 The decision on this case, and the reasons will be made available on the GLA's website [www.london.gov.uk](http://www.london.gov.uk).

## Update

5 At the consultation stage Camden Council was advised that the application did not comply with the London Plan, for the reasons set out in paragraph 47 of this report; but that the possible remedies set out could address these deficiencies:

- **Climate change mitigation/energy:** Further revisions and information is required before the proposals can be considered acceptable and the carbon dioxide savings verified.
- **Transport:** The applicant should respond to the required clarifications and requested revisions to the submitted information. It should further agree to the required conditions.

## Urban design

6 The design of building has been revised since the consultation stage with the Tottenham Court Road shop frontages being improved to further improve crime prevention quality. The amendment to this frontage raises no new strategic issues.

## Climate change mitigation/energy

7 At the consultation stage the applicant was advised that the energy strategy overall was welcomed, but that the estimated savings from energy efficiency appeared high and should be evidenced by future modelling.

8 Pre-stage 2 the applicant completed further modelling and up-dated its energy strategy. This work has been verified by GLA officers and the scheme is viewed as being compliant with the London Plan.

## Transport

9 At the consultation stage it was requested that a Blue Badge parking space be provided close to the site and a workplace travel plan, construction management plan, delivery and servicing management plan and payment of the full Crossrail liability be completed. All of these

requirements have been included in the Section 106 agreement. In addition, to improve the amenity of local residents during the construction period, a Temporary Traffic Management Order required to accommodate the applicant's revised construction vehicle routings has also been included.

10 The applicant has demonstrated to TfL's satisfaction that local bus stops do not need improvement to meet Accessible Bus stops guidelines and that the cycle parking would be increased to meet London Plan minimum standards. In summary, TfL therefore considers that the transport impact of this development have been sufficiently mitigated to ensure conformity with the relevant London Plan policies.

## **Response to consultation**

11 Camden Council consulted the occupants of 189 neighbouring properties as well as statutory and non-statutory organisations. A total of 49 written responses from local residents and an objection from Bloomsbury Conservation Area Committee were received and the main issues raised can be summarised as follows:

- Traffic noise impact of service and delivery vehicle access and refuse collection from Bedford Avenue on residents.
- Primary access during construction is from Bedford Avenue and Adeline Place.
- The proposal sets a precedent in terms of height and service vehicle access for future redevelopment of other buildings in Tottenham Court Road.
- The proposal ignores the sensitive context of the Bloomsbury Conservation Area.
- Projection of a frame to each shop unit on the Tottenham Court Road frontage will create 'urinals' between them, which will also encourage anti-social behaviour. Although discussed the proposal has not taken this into account.
- The design of the building is uninspiring and monotonous. It may reflect the commercialism of Tottenham Court Road but does not introduce the entry into Bloomsbury with sufficient sensitivity.
- The treatment of the facade on Morwell Street at ground level offers some improvement to the streetscape but may still invite anti-social behaviour, as there is limited visual engagement between those in the street and those on the ground floor of the building. Shops cannot activate side streets without compromising their primary frontage and a sub-station is dead frontage.
- Impact upon the daylight/sunlight and privacy of some flats within the mansions.

12 At the consultation stage the design quality, scale and mass of the building was viewed as appropriate to the location and raised no substantive issues. Other issues raised are of a local nature and have been addressed in the Council's committee report.

13 Representations were also received from the following statutory bodies:

- **English Heritage:** No objection.

- **Thames Water:** No objection subject to agreed conditions and informatives that have been included in the decision notice.
- **London Underground Limited:** No objection subject to agreed conditions and informatives that have been included in the decision notice.
- **City of Westminster Council:** No objection.

## **Article 7: Direction that the Mayor is to be the local planning authority**

14 Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. In this instance the Council has resolved to grant permission with conditions which satisfactorily addresses the matters raised at stage 1, therefore there is no sound planning reason for the Mayor to take over this application.

### **Legal considerations**

15 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

### **Financial considerations**

16 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance in Circular 03/2009 (*Costs Awards in Appeals and Other Planning Proceedings*) emphasises that parties usually pay their own expenses arising from an appeal.

17 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

18 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the council to do so) and determining any approval of details (unless the council agrees to do so).

## **Conclusion**

19 Having regard to the details of the application, the newly submitted information regarding sustainable energy and transport and the matters set out in the Council's committee report and representations received, the application is considered acceptable in strategic planning terms and does not warrant a Mayoral direction to refuse planning permission.

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for further information, contact Planning Decisions Unit:  
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21 August 2013

## 251- 258 Tottenham Court Road

in the London Borough of Camden

planning application no.2013/3880/P

### Strategic planning application stage 1 referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008

### The proposal

Demolition of 251- 258 Tottenham Court Road and 1 Bedford Avenue and redevelopment to provide retail use (Use Class A1) at part lower ground and part ground floors and office use (Use Class B1) on part lower ground, part ground and first to seventh floors and associated works.

### The applicant

The applicant is **Exemplar Properties (Bedford) Ltd**, and the agent is **Gerald Eve**.

### Strategic issues

At the consultation stage this application raises issues in relation to energy strategy compliance, transport. The scheme is acceptable in terms of mix of use, urban design and access.

### Recommendation

That Camden Council be advised that the application does not comply with the London Plan, for the reasons set out in paragraph 47 of this report; but that the possible remedies set out could address these deficiencies.

### Context

1 On 12 July 2013 the Mayor of London received documents from Camden Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 22 August 2013 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

2 The application is referable under Category 1c of the Schedule to the Order 2008:

1) *Development which comprises or includes the erection of a building of one or more of the following descriptions: (c) the building is more than 30 metres high and is outside the City of London.*

3 Once Camden Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself.

4 The Mayor of London's statement on this case will be made available on the GLA website [www.london.gov.uk](http://www.london.gov.uk).

## **Site description**

5 The 0.14ha site is bounded by Tottenham Court Road to the west, Bedford Avenue to the south, Morwell Street to the east and existing retail / office to its northern side. The site comprises two buildings, 251-256 Tottenham Court Road and 257-258 Tottenham Court Road and 1 Bedford Avenue. 251 -258 comprises a seven storey building used as offices, with retail on the ground floor. 257 – 258 and No. 1 Bedford Avenue is a six storey building used as offices with retail on the ground floor.

6 Tottenham Court Road forms part of the Strategic Road Network (SRN) and the nearest section of the Transport for London Road Network (TLRN) is the A501 Euston Road, located 900m to the north of the site.

7 The site is well served by buses with a total of seventeen services accessible within a reasonable walking distance from Tottenham Court Road (the nearest bus routes being the 29, 24, 14 and 134). The nearest London Underground station is Tottenham Court Road, located 150m to the south of the site, which provides access to both the Northern and Central lines. From 2018, Crossrail services will also serve this station. London Underground Leicester Square, Goodge Street and Oxford Circus stations are also located within reasonable walking distance.

8 A total of six Cycle Hire docking stations are located within walking distance of the site. The nearest station has the capacity for 24 bikes and is located on Bayley Street, to the north of the site.

9 As such the site records an excellent public transport accessibility level (PTAL) of 6a out of a 1 to 6 range, where 1 represents poor public transport accessibility and 6 is excellent.

## **Details of the proposal**

10 The development proposals consist of two linked schemes, the first is the primary lead development of 251 – 256 Tottenham Court Road and 1 Bedford Avenue and the second is a linked off-site scheme for change of use and redevelopment of 24-25 Bloomsbury Square (which is not referable to the Mayor).

11 The proposal for the referable application is for the demolition of 251- 258 Tottenham Court Road and 1 Bedford Avenue and redevelopment to provide retail use (Use Class A1) at part lower ground and part ground floors and office use (Use Class B1) on part lower ground, part ground and first to seventh floors and associated works.

12 The change of use of Grade II listed-25 Bloomsbury Square from existing office use to provide seven residential units, whilst maintaining a small office space at the lower ground floor level of 25 Bloomsbury Square. This will largely reinstate the historic use and restore/preserve the original listed buildings character.

## Case history

13 The application proposals have been subject to GLA pre-application meeting and on 20 May 2013 a pre-application advice report was issued.

## Strategic planning issues and relevant policies and guidance

14 The relevant issues and corresponding policies are as follows:

- Economic development *London Plan; the Mayor's Economic Development Strategy; Employment Action Plan*
- Employment *London Plan; Land for Industry and Transport SPG*
- Housing *London Plan; Housing SPG; Housing Strategy; draft Revised Housing Strategy;*
- Urban design *London Plan; Shaping Neighbourhoods: Character and Context, draft SPG; Housing SPG; London Housing Design Guide; Shaping Neighbourhoods: Play and Informal Recreation SPG*
- Historic Environment *London Plan; World Heritage Sites SPG; Circular 07/09*
- Access *London Plan; Accessible London: achieving an inclusive environment SPG; Planning and Access for Disabled People: a good practice guide (ODPM)*
- Sustainable development *London Plan; Sustainable Design and Construction SPG; Mayor's Climate Change Adaptation Strategy; Mayor's Climate Change Mitigation and Energy Strategy; Mayor's Water Strategy*
- Transport *London Plan;*
- Parking *London Plan; the Mayor's Transport Strategy*
- Crossrail *London Plan; Mayoral Community Infrastructure Levy; Crossrail SPG*

15 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the 2010 Camden Core Strategy; 2010 Camden Development Policies; 2010 Camden Proposals Map; and, the 2011 London Plan.

16 The following are also relevant material considerations:

- The National Planning Policy Framework and Technical Guide to the National Planning Policy Framework;
- The draft Revised Early Minor Alteration to the London Plan (intend to publish version).

## Principle of development

### Mix of use

17 London Plan Policies 2.10, 2.11 and 4.2 support office and retail rejuvenation within the CAZ to improve the quality and flexibility of office stock so that it may meet the distinct needs of the central London office market, and to promote the capital's role as a "World City". London Plan Policy 2.10 seeks to support and improve the retail offer of the Central Activities Zone (CAZ) for residents, workers and visitors, and promotes the West End as a global shopping destination.

Table 1: Development floorspace change

<b>Use</b>	<b>Existing Sq.m. (GEA)</b>	<b>Proposed Sq.m. (GEA)</b>	<b>Net Change Sq.m. (GEA)</b>
<b>Office</b>	7,802	9,198	+1,396
<b>Retail</b>	1,464	1,520	+56
<b>Total</b>	9,266	10,718	1,452

18 The development proposes commercial B1 office floorspace with ground floor retail use. This takes the form of seven floors of flexible open plan office floorspace to meet current market requirements and replaced the existing narrow and fixed plan units in the existing buildings. The development proposals will result in a 1,670 sq.m. net increase in office floorspace. The ground floor retail proposals will result in new enlarged flexible retail floorspace to allow for different configurations of shop units and replaces the small fixed floor plan retail units on Tottenham Court Road.

19 The proposed mix of use principle of a development accommodating large flexible modern office floorspace and replacement retail floorspace on the site is supported by London Plan CAZ and office policies. Furthermore, the site is located in the Tottenham Court Road Opportunity Area where the strategic aim is to encourage redevelopment and enhancement of the wider area. The proposals are therefore compliant with the London Plan.

#### Housing mix

20 London Plan Policy 4.3 seeks to ensure that, within the Central Activities Zone, increases in office floorspace also provide for a mix of uses, including housing, unless such a mix would demonstrably conflict with other policies within the London Plan. Paragraph 4.17 in support of this policy states that housing and other uses should be required on-site, or nearby, to create mixed use neighbourhoods. Exceptions should only be permitted where mixed uses might compromise broader objectives, such as sustaining important clusters of business activity, or where greater housing provision, especially of affordable family housing, can be secured beyond the immediate area. In such circumstances, contributions to off-site housing provision should be required as part of a planning agreement.

21 In response to London Plan policy the applicant has proposed a linked development involving the change of use and reinstatement of 24-25 Bloomsbury Square to residential use (with small office element retained) to provide 7 residential units and this is welcome.

#### Affordable Housing

22 London Plan Policy 3.12 requires borough councils to seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes. In doing so each council should have regard to its own overall target for the amount of affordable housing provision.

23 Camden Council officers have confirmed that the proposed off-site residential provision is below the Council's affordable housing policy 1,000 sq.m threshold which all residential developments will be required to provide affordable housing floorspace. Under this option of off-site housing provision it is accepted there is no obligation for affordable housing.

## **Urban design and inclusive design**

24 The proposed development is driven by the demand for larger footprint retail units on Tottenham Court Road and more flexible office floorplates.

25 The development proposals involve the redevelopment of the existing buildings on the site. At the pre-application stage the applicant was requested to reconsider remaining historical elements of the corner building at the junction of Tottenham Court Road and Bedford Avenue. The lower and ground floor elements consisting of finely crafted brick and stone on the ground floor elevation were considered worth preserving to provide historical continuity to the area which is important to its character.

26 After assessing the application information on the building design and historic environment in relation to this remnant of a former building. It is accepted the historic value is insufficient to require the retention of these elements and it is noted the building is located outside of the conservation area. It is further accepted the practicality of their integration into any design would be problematic and not result in good coherent design.

27 The height, massing and architecture of the submitted scheme are all considered to be of an acceptable quality and fit well its location on Tottenham Court Road and raise no strategic concerns. The proposed layout aspires to change the character of Morwell Street, which forms a service alley into a more active and attractive street which is strongly supported. The scheme does this by successfully consolidating storage and refuse uses in the basement and locating the plant on the roof minimising the amount of blank frontages looking on to the public realm. It also provides a stretch of retail frontage onto Morewell Street allowing overlooking and the additional entrance will improve to the public realm and encourages a move away from having the appearance of a service lane.

28 The impact of the building height views for Bedford Square are viewed as negligible and it is GLA officer opinion less significant than the impact of the existing building servicing that can be viewed from the Square and provided a more elegant design solution.

29 The applicant has addressed inclusive design requirements and these raise no strategic issues, subject to provision of an additional Blue Badge on-street bay (see paragraph 32).

## **Climate change mitigation/energy**

30 The applicant has followed the energy hierarchy and is proposing to achieve 33% carbon savings from energy efficiency, 8% savings from CHP and a further 5% from 117sq.m. of roof mounted photovoltaic panels. Overall this would deliver 41% savings. The applicant has ruled out connection to an existing heat network but allowed for future connection. The overall strategy is welcomed. However, the estimated savings from energy efficiency appear high and should be evidenced by future modelling.

## **Transport**

### **Impact assessment**

31 Clarification on how the mode share assessment was adjusted within the Transport Assessment to take account of the absence of car parking would be useful. Notwithstanding this, with consideration to the site's location, nature and scale it is accepted that there will be no impact on either the capacity of the local public transport, highway or pedestrian network, and that the applications accords with London Plan policy 6.3.

## **Car & cycle parking**

32 TfL welcomes the car free nature of the proposals in recognition of the site's excellent accessibility. As the nearest existing Blue Badge bay is located 100m from the site on Morwell Street, TfL would request that an additional dedicated on street bay be provided in close proximity in accordance with London Plan policy 6.13.

33 A total of 45 cycle spaces are proposed within the basement for the office element and a further 12 cycle spaces are proposed on street to cater for the retail element. The applicant should note however that an additional 16 office spaces and 6 retail spaces are required in accordance with both the London Plan Revised early Minor Alterations (intend to publish version) and policy 6.9.

## **Bus stops**

34 In accordance with London Plan policy 6.7 and to promote inclusive access for all users of the proposed development, the applicant should undertake an assessment of bus stop 'Z5' on Tottenham Court Road and bus stop 'R' on Great Russell Street and identify a schedule of works required. Upon TfL's receipt of the audit, a capped contribution of up to £20,000 per bus stop maybe requested to ensure full compliance with accessibility guidelines.

## **London Underground infrastructure**

35 The Northern line tunnels are located beneath and running parallel to Tottenham Court Road and therefore the conditions and informatives as requested within TfL's detailed comments to the Council will need to be attached to any permission to ensure that the development does not impact on existing London Underground transport infrastructure in accordance with London Plan policy 6.1 'Strategic Approach'.

## **Freight**

36 The reduction of delivery activity along Tottenham Court Road, as a consequence of the proposed removal of the existing on site loading bay, is welcomed by TfL in accordance with London Plan policy 6.14. TfL is therefore content that the submitted framework Delivery and Servicing Plan is secured by condition.

37 A framework Construction Management Plan was submitted as part of the application which is welcomed and the final document should be secured by condition. Notwithstanding this, to minimise the highway impact, TfL requests that no construction vehicles unload/load from Tottenham Court Road.

38 Furthermore, TfL strongly encourages the use of contractors who are registered on the Fleet Operator Recognition Scheme. Any conflict points identified on the delivery routes, traffic and pedestrian management equipment and cycle specific safety equipment should ideally be considered and the detail provided. Contractor vehicles should include side-bars, blind spot mirrors and detection equipment to reduce the risk and impact of collisions with other road users and pedestrians on the capital's roads.

39 TfL is aware of Camden Council's aspirations to allow HGVs to access the rear of the site from Tottenham Court Road via Bedford Avenue. While TfL has no objection to this in principle, further discussion between TfL, Crossrail, Camden Council and the applicant is however required to ensure that the impact on both the SRN and construction of Tottenham Court Road Crossrail station is minimised.

## **Travel planning**

40 The content of the submitted framework Travel Plan is not currently deemed adequate to be assessed by the ATTrBuTE tool. It is therefore recommended that the applicant undertakes their own assessment and makes modifications accordingly. The revised travel plan will need to be resubmitted to the Council and TfL. Once the travel plan has passed ATTrBuTE and considered to be of a satisfactory standard, the Council should secure, enforce, monitor, review and ensure its funding through the Section 106 agreement to ensure conformity with London Plan policy 6.3.

## **Community Infrastructure Levy and Crossrail contribution**

41 In accordance with London Plan policy 8.3 the Mayor agreed to commence CIL charging for developments permitted on or after 1 April 2012. It is noted that the proposed development is within Camden, where the Mayoral charge is £50 per square metre Gross Internal Area (GIA).

42 The mechanism for contributions to be made payable towards Crossrail has been set out in the Mayor's Supplementary Planning Guidance (SPG) *"Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy"* (November 2012). The SPG states that contributions should be sought in respect of uplift in floorspace for B1 office, hotel and retail uses (with an uplift of at least 500sqm). The site is within the Central London charging zone and using the methodology within the SPG a contribution of £278,890 is generated by this proposal.

43 The applicant should note that the Mayor's CIL charge will be treated as a credit towards the Section 106 liability and therefore only the larger of the two amounts will normally be sought. As the CIL charge will not be confirmed until development is about to commence, the Section 106 agreement will need to be worded so that if the Section 106 contribution based on the assumed CIL proves incorrect the contribution can be adjusted accordingly.

## **Local planning authority's position**

44 Camden Council is supportive of the scheme.

## **Legal considerations**

45 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application and any connected application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

## **Financial considerations**

46 There are no financial considerations at this stage.

## Conclusion

47 The application broadly complies with the London Plan, there are some outstanding issues that need to be resolved and these and their potential remedies are set out below:

- **Principle of development:** The proposed mix of use principle of a development accommodating large flexible modern office floorspace and replacement retail floorspace on the site is supported by London Plan CAZ and office policies.
- **Mix use:** In response to London Plan policy the applicant has proposed a linked development involving the change of use and reinstatement of 24-25 Bloomsbury Square to residential use (with small office element retained) to provide 7 residential units and this is welcome
- **Affordable housing:** Camden Council officers have confirmed that the proposed off-site residential provision is below the Council's affordable housing policy 1,000 sq.m threshold which all residential developments will be required to provide affordable housing floorspace. Under this option of off-site housing provision it is accepted there is no obligation for affordable housing
- **Urban design:** The height, massing and architecture of the submitted scheme are all considered to be of an acceptable quality and fit well its location on Tottenham Court Road and raise no strategic concerns. The impact of the building height views for Bedford Square are viewed as negligible and it is GLA officer opinion less significant than the impact of the existing building servicing that can be viewed from the Square and provided a more elegant design solution.
- **Climate change mitigation/energy:** Further revisions and information is required before the proposals can be considered acceptable and the carbon dioxide savings verified.
- **Transport:** The applicant should respond to the required clarifications and requested revisions to the submitted information. It should further agree to the required conditions.

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for further information, contact Planning Decisions Unit:

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