



P13/4X/C
PL 9100151, 9100162
HB 9160016, 9160019
Planning Inspectorate

Department of the Environment

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Your Reference:
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Our Reference:
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Date:

31 MAY 91

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990, SECTION 20 & SCHEDULE 3
APPEALS BY THE WEST END PARTNERSHIP
APPLICATION NOS: PL/9100151, PL/9100162, HB/9160016, HB/9160019

1. As you know, I have been appointed by the Secretary of State for the Environment to determine these appeals, which are against the failure of the London Borough of Camden to determine within the prescribed period:

(a) two applications for Conservation Area Consent for the demolition of unlisted buildings in the Conservation Area (Schemes 4 and 5);

(b) an application for planning permission for redevelopment to provide offices (B1 and A2), studio/light industrial, public house/restaurant, retail and residential accommodation together with ancillary plant storage and parking (Scheme 4 - 6 storeys in height);

(c) an application for planning permission for redevelopment to provide offices (B1 and A2), studio/light industrial, public house/restaurant, retail and residential accommodation together with ancillary plant storage and parking (Scheme 5 - 7 storeys in height);

on the site comprising Nos 6-17 Tottenham Court Road, Nos 7-12 Hanway Place, Nos 4 and 8 Hanway Street, No 5 Hanway Place and No 18 Hanway Street, London W1. I held a local inquiry into the appeals on the 8th and 9th May 1991.

2. I note that duplicate applications were made for these proposals, and that the appeals were lodged at the earliest opportunity against non-determination by the local authority. In the meantime the Council has refused planning permission for the seven-storey development (Scheme 5), and has granted conditional consent for the six-storey building (Scheme 4). Consequently, there would appear to be agreement between your clients and the Council over the smaller scheme, except for some minor aspects of the conditions imposed on that planning permission, and I intend to deal with these first. Conservation Area Consent has also been granted for the total demolition of the main block of buildings bounded by 6-17 Tottenham Court Road, 7-12 Hanway Place at the rear, and Hanway Street, subject to the condition that "no works of demolition shall take place until contracts have been exchanged for the redevelopment of the site in accordance with a scheme for which full planning



permission has been granted." This condition is acceptable to the appellants and therefore I intend to give no further consideration to the appeal concerning the application for Conservation Area Consent for Scheme 4.

SCHEME 4

3. In evidence to the inquiry, the Council no longer opposes Scheme 4 and puts forward the same set of conditions with amended wording of condition No 7, as agreed with the appellants. Condition No 1 requires the further submission, and approval, of details of the elevations and facing materials to be used on the building, particularly the arcade treatment, paving and ceiling, and details of each end of the main building and a typical bay of the Tottenham Court Road and Hanway Place facades to a scale not less than 1:50. However these details at a scale of 1:100 had already been submitted to the Council to meet such a request on an earlier scheme, but were not taken into account in considering the current proposals. In determining this application afresh, I intend to consider these detailed drawings as part of the proposals, because they provide additional information on the appearance of the scheme without altering it in any respect. It was conceded by the Council that these additional drawings Nos TCR/D/001, /002 and /003 indicate the appearance of the building in sufficient detail, and in this case I find it only necessary for the appellants to submit further samples and colours of materials to be used on the external elevations.

4. Condition No 7 deals with the submission of further details of the vehicle servicing arrangements, particularly access to the Hanway Place service area at the rear of the main block. It was agreed during the inquiry by the Council that the condition as worded on the planning consent is too prohibitive in restricting access to that from the north only. Whilst it appears desirable that an arrangement should be made between the developers of the appeal site and the owners of the adjoining Centre Cross in order that shared use could be made of the existing service road off Gresse Street, this can not be a condition of the consent. The appellant company have no control over this access road, which is in private ownership, and as Circular 1/85 advises, such a condition would be ultra vires if it required works which the developer has no power to carry out. Therefore I do not consider the condition to be reasonable, unless reworded to remove the apparent ban on service traffic entering the new development from Hanway Street and Hanway Place, however desirable the objective might be.

5. Subject to the amendment of these two conditions, to which the Council's witness agreed, there appears to be no dispute between the parties regarding the current Scheme 4. Objections to the design and appearance of the proposals are maintained by the Bloomsbury Conservation Area Advisory Committee, on the grounds that the architect intends to use 3 shades of smooth textured, artificial stone in "warm tones of terracotta and cream stone", in what it considers would be rather strident horizontal banding of colour, particularly in Hanway Place. On my inspection I did not find the buildings to be of a particular style or material in this part of the small Conservation Area, which is of a pleasant mixture of elevational treatment rather than the homogenous use brickwork. Materials in these two streets vary greatly with some stucco facades, painted brick, stock and facing brickwork. I have no doubt that the proposals would add to the richness and variety of treatments in the area, and its scale, uses and form would be in character. Compared with the existing buildings on both Hanway Place and Tottenham Court Road, I am of the view that the proposed redevelopment would enhance the character and appearance of the Hanway Place Conservation Area.

SCHEME 5

6. In considering the 7-storey Scheme 5, from the evidence that I have heard and read, and from my inspection of the site and its surroundings, I find that the main issue to be decided in these appeals is the effect of the scale and bulk of the

proposed development upon the surrounding area, bearing in mind the duty imposed by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area when considering the appeal proposals. It is necessary also to have regard to the setting of the adjoining Conservation Areas in the City of Westminster and Bloomsbury.

7. There are no land use policy objections to Scheme 5, but the Council claim that the size of the proposal is contrary to Policy UD3 of the 1987 Camden Borough Plan, where the appeal site is identified as one of the "site specific proposals" (No 34), for which a Development Brief had been prepared in 1983. The Development Brief was rewritten in 1989 to take account of changes in national and local planning policy, and the question of storey height of the development was addressed by the officers' report. The original brief imposed a height restriction of five storeys on the Tottenham Court Road but this was revised in Paragraph 3.2 to "A redevelopment of the site of 6-17 Tottenham Court Road to a maximum of six storeys above ground and a basement level will be considered favourably but this will be subject to considerations of daylight and sunlight, detailed design, townscape, effect on the character of the Conservation Area....". Paragraph 3.9 of the 1989 Brief states that the development should be sympathetic to the existing fabric of the buildings on Hanway Street and Hanway Place and to the townscape of the area, particularly regarding the Conservation Area.

8. Policy UD3 seeks good designs generally, and in particular development that is sensitive to and compatible with the scale and character of the existing surrounding environment, and UD11 aims to retain, conserve and enhance areas and individual buildings of architectural quality or character.

9. The appeal site comprises two quite different groups of buildings, those to the east on Tottenham Court Road, and those to the west on Hanway Place. The buildings are part of a small triangular area which was designated the Hanway Place Conservation Area, an extension to the Bloomsbury Conservation Area, by the Council in 1989. Another small area sandwiched between Hanway Street and Oxford Street was subsequently designated a Conservation Area by the City of Westminster, and this is contiguous with the Soho Conservation Area on the south side of Oxford Street. Therefore, apart from the large modern developments of Centre Cross to the north, the YMCA Headquarters on the opposite side of Tottenham Court Road, and Centrepont south-east of St Giles Circus which are all excluded, the appeal site is wholly within the Conservation Area extensions.

10. All of the appeal buildings to the east of Hanway Place are in poor condition and unattractive architecturally. The buildings along the west side of Tottenham Court Road, Nos 6-16, are little more than single storey shacks which appear to have replaced earlier 19th century buildings, possibly due to war damage. No 17 remains intact, isolated by the Centre Cross redevelopment to the north and the row of single storey shops, cafes and a public house to the south, but it contributes nothing to the character or appearance of the Conservation Area. On my inspection of the area I found that the Hanway Place Conservation Area has little of the character or appearance of the Bloomsbury Conservation Area, and the groups of small-scale terraced buildings in Hanway Place and Hanway Street have a mixed character more akin to the Soho area. At the rear of the main appeal site are 3 and 4 storey workshops, offices and restaurants in functional turn-of-the-century brick, steel and concrete buildings which appear to be outworn and of no particular aesthetic or historic merit. In contrast the older Jewish School at 5 Hanway Place and No 18 Hanway Street have considerable architectural interest and fit well into the street pattern of the Conservation Area.

11. The front of the development is undoubtedly Tottenham Court Road, and although it is part of the small Hanway Place Conservation Area this is clearly not centred upon Tottenham Court Road, although the Westminster Conservation Area, which

is detached by Hanway Street to the south, the southern limb of the Bloomsbury Conservation Area and the Soho Conservation Area form a protective girdle around the bottom end of Tottenham Court Road and St Giles Circus. Visually, the existing buildings of Nos 6-17 Tottenham Court Road contribute nothing and detract a great deal from the Conservation Areas and the Tottenham Court Road scene generally, and clearly these buildings establish no precedent in terms of character or appearance which could be followed in the redevelopment scheme. It is not suggested by the Council or any other party that any of the existing buildings in the main block between Hanway Place and Tottenham Court Road are worthy of retention in the overall scheme. The Westminster Conservation Area frontage comprises Nos 1-5 Tottenham Court Road which are in poor condition at the northern end of the row, terminated by a single storey retail unit on the corner of Hanway Street of poor design and quality in the Conservation Area.

12. Bearing in mind the position of the Tottenham Court Road frontage of the appeal site on the edge of 3 Conservation Areas, the final design of the redevelopment must of necessity form a visual link between the scale and contemporary style of the commercial area further north and east and the historic character of the Conservation Areas to the west and south. In assessing whether the proposal would be successful in achieving this transition, it is necessary to examine the elevational design, materials and scale of the building.

13. The Council and the Bloomsbury Conservation Area Advisory Committee share similar concerns about the design and materials for the Hanway Place elevation of the scheme, which they would prefer to be faced in matching brickwork. The Advisory Committee also regards the submitted elevational drawings as being at too small a scale to assess a development of this importance within the Conservation Area, and although the appellants' architects have submitted 1:100 detailed part-elevations of Scheme 4, I am of the opinion that these do not apply in the case of Scheme 5. Consequently, I consider that the submitted elevational drawings are no more than indicative of the form, massing and fenestration of the building at the scale of 1:200, with notated lists of materials for the roof, wall panel and windows. It seems to me that questions of details of facing materials on Scheme 5 would be better left for later consideration with the detailed elevations, and therefore I take the view that there is insufficient information in the application to properly assess the elevational appearance on Hanway Place, Hanway Street or Tottenham Court Road.

14. Whilst clearly it would be necessary to submit more details of the elevational treatment proposed, I find the submitted 1:200 scale drawings to be adequate for the purpose of examining the architectural forms and scale of the development. As I have already stated above, the appeal site lies at a prominent point in the busy commercial thoroughfare of Tottenham Court Road where there occurs a transition from the lofty modern development on that frontage to the smaller scale historic character of the adjoining Conservation Areas. The tall structures at this end of Tottenham Court Road form a nodal point in the townscape of the city, and they dominate all views into the area from the surrounding streets, including views out of the adjoining Conservation Areas. I have also taken into account the evidence that other schemes of similar roof heights have been approved by Camden Council on the east side of Tottenham Court Road, and another large redevelopment is proposed in the City of Westminster area on the south corner of Hanway Street.

15. The Scheme 5 proposals would not dominate any of the views northwards from St Giles Circus, due to the slight angle in the frontage and the presence of taller buildings in the streetscene looking north, but it would be visible when looking southwards towards Centrepont. This is because the proposed building would step forward of the Centre Cross arcade which is set back over 7m from the Tottenham Court Road carriageway. However the adjoining modern developments of the YMCA and Centre Cross are of such a large scale that in my view the 7 storey proposal would not appear out of place or over-dominant in Tottenham Court Road. The proposed

elevational design appears as a well-articulated block that combines forms in an interesting way. It would have a broken skyline stepping down towards the smaller scale of Hanway Street and the buildings within the Westminster Conservation Area. I consider that the arcaded facade of five storeys, with the sixth and seventh floors slightly stepped back from Tottenham Court Road and significantly cut back from Hanway Street, combined with the rotunda elements at each corner, would deal successfully with the transition between late 20th century office buildings to the east and north and the character of the 19th century buildings of the Conservation Areas to the west and south. The reduction in height of the development on the Hanway Street and Hanway Place frontages would achieve the correct scale for the Conservation Area in my view, and although the main block would be higher towards Tottenham Court Road, I do not accept the contention that its effect upon the skyline would detract from the appearance and character of the Hanway Place Conservation Area.

16. I do not accept the arguments of the Bloomsbury Conservation Area Advisory Committee that the 7 storey redevelopment would have any significant effect upon views from that Conservation Area. The proposed building would be visible from some parts of historic Bloomsbury, particularly in views along Bedford Avenue and Great Russell Street on both sides of the YMCA block. However, I observed that the current vista along each street is not enhanced at all by the poor visual quality of the existing buildings on the appeal site, and these views are already spoilt to a large degree by the massive, brutal concrete structure of the YMCA and other nondescript buildings at the western end of each street. I consider that nothing of any townscape value to the setting of the adjoining Conservation Area would be removed by the proposed redevelopment, whilst on the other hand, I regard the proposals as a marked improvement in the architectural quality of the streetscene over that which currently exists on the site. The increased height of the new facade onto Tottenham Court Road would of course have a closing effect upon these vistas, but I regard this as being of some benefit in townscape terms, and as already stated, I find the scale and design of this elevation to be appropriate for its location and acceptable in the Conservation Area.

CONDITIONS

17. I have considered the Council's list of conditions with regard to Scheme 5, which duplicate those already imposed on Scheme 4, and the representations made on behalf of your clients. As the site lies in a location that is architecturally and historically sensitive, I consider it important that further details of the elevational treatment and samples of materials are submitted for approval, but as the local planning authority would retain control over those matters, I do not propose to stipulate which drawings and scales are required. I consider condition No 2 to be unnecessary as the proposed elevational treatment of 18 Hanway Street and 5 Hanway Place form integral parts of each of these applications and therefore can only be implemented in the form submitted and approved. Condition No 5 should be properly imposed on the Conservation Area Consent approval only. Substitute wording has been agreed for conditions Nos 3, 7 and 9 and I intend to adopt those amendments. Subject to these alterations I find the suggested conditions to be appropriate and reasonable in this case.

18. I have taken into account all other matters raised in the evidence, including the appellants' offer to construct a vehicle loading bay as a temporary measure on the Tottenham Court Road frontage, but I do not consider it reasonable to expect such works outside the appeal site on highway land, nor would it be necessary or desirable for the development to be serviced in this manner in my opinion. Therefore, in reaching my decisions on these appeals I have found nothing of more importance than the main issues that I have considered, and I have come to the conclusion that conditional approval should be given in each case.

DECISIONS ON SCHEMES 4 AND 5

19. For the above reasons, and in exercise of powers transferred to me, I hereby allow these appeals and grant:-

(a) planning permission for redevelopment to provide offices (B1 and A2), studio/light industrial, public house/restaurant, retail and residential accommodation together with ancillary plant storage and parking (Scheme 4 - 6 storeys in height); and

(b) planning permission for redevelopment to provide offices (B1 and A2), studio/light industrial, public house/restaurant, retail and residential accommodation together with ancillary plant storage and parking (Scheme 5 - 7 storeys in height);

in accordance with the terms of the application Nos. PL/9100151 dated 7th February 1991 and PL/9100162 dated 7th February 1991 and the plans submitted therewith, both approvals subject to the following conditions:

1. the development hereby permitted shall be begun not later than 5 years from the date of this decision.

2. development shall not begin until detailed drawings and samples of the materials to be used on the external elevations have been submitted to and approved in writing by the local planning authority and the development shall be constructed of the approved materials.

3. the whole of the proposed development shall be completed and available for occupation before any part is brought into use.

4. three car parking spaces shall be made available within the development for the retail/public house users and shall not be used for any other purpose. Three car spaces shall similarly be made available for the users of the premises shown as business use on drawing Nos TCR/P/101C, 102A, 106C (Scheme 4), and 201, 202 and 207 (Scheme 5), at the rear of the development on Hanway Place.

5. the developer shall afford access at all reasonable times to any archaeologist nominated by the Council and shall allow him/her to observe the excavations and record items of interest and finds.

6. details of servicing arrangements to the service yard at the rear of the main block shall be submitted to and approved in writing by the Council before any work on the site is commenced. Such details are to indicate how service vehicles can be discouraged from approaching via Hanway Street and Hanway Place.

7. details of all ventilation equipment and other plant shall be submitted to and approved in writing by the Council before any work on the site commences. Such details shall indicate methods of preventing noise, vibration and smell from reaching nearby residential properties.

8. the proposed rooftop plant shall be effectively hidden by a screen at least as high as the plant and equipment; and

(c) Conservation Area Consent for the demolition of unlisted buildings in the Conservation Area (Scheme 5) in accordance with the terms of the application No HB/9160019 dated 7th February 1991 and the plans submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun not later than 5 years from the date of this decision.

2. the demolition hereby permitted shall not be undertaken before a contract for the carrying out of the works for the redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides.

20. Attention is drawn to the fact that an application for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

21. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990, and section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990

22. The developer's attention is also drawn to the enclosed note relating to the requirements of the Chronically Sick and Disabled Persons Act 1970.

I am Gentlemen
Your obedient Servant

C.I. Cochrane

C I COCHRANE DipArch MSc MRTPI
INSPECTOR

APPEARANCES

REFS: T/APP/X5210/A/91/180658/P7
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FOR THE APPELLANTS

Mr R Vandermeer QC

- instructed by Forsyte Kerman
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London W1M 8AQ.

he called:-

Mr G M Skelcey BSc FRICS

- Partner in Montagu Evans, Chartered
Surveyors.

Mr J P Tebbutt DipArch RIBA

- Partner in Renton Howard Levin Wood
Partnership, Architects and Town
Planners, 77 Endell Street, London
WC2H 9AJ.

Mr C R Eastman BSc CEng FICE FIHT MCIT DipTE

- Associate of JMP Consultants Ltd,
Consultant in Civil, Structural and
Transport Engineering.

FOR THE LOCAL AUTHORITY

Mr S Randle

- of Counsel instructed by Ms L Meadows
Controller of Legal Services, London
Borough of Camden.

he called:-

Mr S J V R Hoets BSc DipTP MRTPI ARICS

- Principal Development Control
Officer, South Area Team, London
Borough of Camden.

INTERESTED PARTIES/PERSONS

Mr A Tugnutt DipArch

- Chairman of Bloomsbury Conservation
Area Advisory Committee, 29 Gilbert
Place, London WC1A 2JD.

Miss N Kutapan

- Flat 2, 2 Hanway Place, London W1.

DOCUMENTS

- 1 List of persons attending the local inquiry.
- 2 Letter of notification of the inquiry and list of addresses.
- 3 Mr Skelcey's statement of evidence.
- 4 Land use survey and location plan of the appeal site.
- 5 Summary of recent planning applications since October 1989.
- 6 Committee report of 26th April 1990.
- 7 Committee report and draft decision notice of 22nd November 1990.
- 8 Schedule of existing uses and floor areas.
- 9 Committee report of 15th November 1988.
- 10 Planning Brief for the appeal site - February 1989.

- 11 Extract from A Plan for Fitzrovia - 1984.
- 12 Extract from Inspector's report on the Camden Local Plan Inquiry.
- 13 Housing extract from the Camden Local Plan.
- 14 Times Law Report - South Lakeland DC appeal decision.
- 15 Appeal decision letters T/APP/X5210/A/88/108831/P7
T/APP/K5600/A/90/147626/155978/167652/P7
- 16 Consultation letters from English Heritage and Bloomsbury Conservation Area Advisory Committee.
- 17 Committee report on extension to the Bloomsbury Conservation Area - January 1989.
- 18 Inspector's report on the Torbay Local Plan Inquiry and extract from the Torbay Local Plan.
- 19 Letter from Prudential Property Division - 30 April 1991.
- 20 Mr Tebbutt's statement of evidence.
- 21 Mr Tebbutt's supplementary statement.
- 22 Mr Tebbutt's appendices (a) site plan
(b) site photographs 1-12
(c) Scheme 4 plans, sections and elevations
(d) Scheme 5 plans, sections and elevations
(e) housing plans etc
(f) comparative diagram
(g) sketch perspectives
(h) history of the applications
- 23 Mr Eastman's statement of evidence.
- 24 Mr Hoet's statement of evidence.
- 25 Planning permission of 1st May 1991 for Scheme 4.
- 26 Conservation Area Consent " " " "
- 27 Refusal notice for Scheme 5, 1st May 1991.
- 28 Bundle of consultation letters to Council, including English Heritage and City of Westminster.
- 29 Statement by Miss J Bowerman on traffic matters - not given in evidence.
- 30 Letter of 6th May 1991 from the Charlotte Street Association.
- 31 Mr Tugnut's statement of evidence.
- 32 Mr Tugnut's appendices.
- 33 Submitted plans, sections and elevations of Scheme 4 - 1:200 scale.
- 34 Submitted plans, sections and elevations of Scheme 5 - 1:200 scale.
- 35 Submitted proposals for the conversions of 5 Hanway Place and 18 Hanway Street.
- 36 Detailed elevations at 1:100 scale.
- 37 Enlarged and coloured versions of Mr Tebbitt's appendices.