

Delegated Report		Analysis sheet		Expiry Date:		03/07/2014	
		N/A / attached		Consultation Expiry Date:		N/A	
Officer				Application Number(s)			
Jonathan Markwell				2014/3707/P			
Application Address				Drawing Numbers			
St George's Court 2-12 Bloomsbury Way and 2-28 New Oxford Street London WC1A				Please see decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Amendments to wording of condition 9 (ventilation measures) to various alterations, extensions and changes of use to the building approved under planning permission 2012/1400/P dated 31/01/2013.							
Recommendation(s):		Grant Approval of Non Material Amendment					
Application Type:		Non Material Amendments					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	00	
			No. electronic	00			
Summary of consultation responses:		None.					
CAAC/Local groups* comments: <small>*Please Specify</small>		None.					
Site Description							
<p>The application site is located on the triangular island site adjoining Bloomsbury Way (to the north-west), Bury Place (to the east) and New Oxford Street (to the south). It comprises a basement, ground, eight upper floors and a rooftop level incorporating plant and machinery. The premises were fully vacated by the Ministry of Defence in 2012, who occupied offices at the site and an ancillary army careers office at part ground floor level. Works to implement the 2013 permission (see relevant history) have been underway at the site for a period of time.</p> <p>The application site is situated within Bloomsbury Conservation Area and, although not a listed building, is identified as making a positive contribution to the character and appearance of the area in the conservation area appraisal. At paragraph 5.129 the building is discussed in detail as follows:</p>							

To the east of Museum Street, on the triangular site where New Oxford Street and Bloomsbury Way merge, stands St George's Court, Nos 2-28 (even) New Oxford Street and Nos 2-12 (even) Bloomsbury Way. This neo-classical office block, built to the designs of Lewis Solomon in 1947-50 as part of the postwar Lessor scheme, is monumental in scale, comprising nine storeys clad in a brown brick with stone dressings. It was built with various functions at street level including a public house and originally a bank at the western apex (now an army careers office). Its apex facing west forms a distinctive landmark visible from the Oxford Street and Tottenham Court Road junction, and its height creates a strong sense of enclosure along side neighbouring buildings including the tall and bulky concrete mass of the postwar former Royal Mailing sorting office to the south (situated outside the Conservation Area). On its north side, St George's Court flanks Hawksmoor's very fine grade I listed church of St George's Bloomsbury. St George's Court reads as a group with Commonwealth House in High Holborn (see paragraph 5.132), and with BUPA House, at Nos 15-19 (odd) Bloomsbury Way, another Lessor building which has six main storeys plus a triple-height mansard, giving the building a top-heavy appearance.

The view east along New Oxford Street to St George's Court at the junction of Bloomsbury Street is also identified as being a key view within this part of the conservation area.

The application site is located outside of a designated growth area (policy CS2) but is in close proximity to both the Tottenham Court Road Growth Area (the boundary is immediately to the south of the site and the building opposite the application site at 21-31 New Oxford Street - the sorting office site - is located within the growth area) and the Holborn Growth Area (175m to the north-east of the site). The application site is also location outside of a designated central London retail frontage, although High Holborn and Kingsway frontage does include Holborn Tower, which is immediately to the east of the application site beyond Bury Place.

The site is also situated within a highly accessible location, with a PTAL rating of 6B (excellent) and Bloomsbury Way and New Oxford Street being part of the Strategic Road Network (SRN) and one-way to vehicles, with bus stops on both roads adjacent to the site. In addition, the site is located within the Holborn & Covent Garden controlled parking zone (CPZ) and the ratio of parking permits to parking spaces being 1.07:1 indicates that parking stress is a local issue. The site is close to three underground stations, namely Holborn (to the east), Tottenham Court Road (to the south-west and also including the future Crossrail station) and Covent Garden (to the south). All three roads surrounding the site are on the London Cycle Network and thus experience high levels of cycling.

The application site is also located within the Central London Area (Clear Zone Region), an archaeological priority area, is within slope stability and subterranean (groundwater) flow hydrological constraint areas and a London Underground zone of influence.

The surrounding area comprises a mix of uses and building types. To the north beyond Bloomsbury Way is the grade I listed St George's Church with distinctive portico and a variety of non-listed buildings ranging from four to seven storeys in height including the Kingsley Hotel. To the east is Bupa House, which as outlined above is a 9 storey office building, and Holborn Tower, a basement and twelve storey office tower dating from the 1960s. Holborn Tower is considered to detract from the general character and appearance of the area as it is out of scale at 12 storeys. To the south beyond New Oxford Street is the 9 storey 1930s Commonwealth House and the vacant former sorting office, which is predominantly 8 storeys in height. To the west is the busy junction of New Oxford Street, Bloomsbury Way and Museum Street, where buildings are four storeys plus and largely comprise retail and related uses at ground floor level and commercial above.

Relevant History

2012/1400/P - Erection of single storey glazed extension with associated roof terraces and new rooftop plant to provide additional office space (Class B1) at 9th floor level (following removal of existing 9th floor rooftop plant), change of use from offices to three flexible retail or restaurant units (Class A1/A3) at part ground floor level, reconfiguration of front entrance to corner of Bloomsbury Way and New Oxford Street, replacement of ground and first floor façade with double storey glazed frontages to all elevations and associated alterations for refurbishment of existing offices (Class B1). Granted following completion of S106 Legal Agreement 31/01/2013.

2013/1112/P - Details of stone samples relating to part of condition 4 (facing materials) of planning permission 2012/1400/P decided 31/01/2013 for the Erection of single storey glazed extension with associated roof terraces and new rooftop plant to provide additional office space (Class B1) at 9th floor level of existing offices (Class B1). Granted 03/04/2013.

2013/5122/P - Details of facing materials, namely glazing units and metalwork, relating to partial discharge of condition 4 of planning permission dated 31/1/13 (ref: 2012/1400/P), for the erection of single storey glazed extension with associated roof terraces and new rooftop plant at 9th floor level, change of use from offices to three flexible retail or restaurant units (Class A1/A3) at part ground floor level, reconfiguration of front entrance, replacement of ground and first floor façade with double storey glazed frontages to all elevations and associated alterations for to existing offices (Class B1). Granted 08/10/2013.

2014/2555/P - Details of waste strategy as required by condition 10 of planning permission dated 31/01/2013 (Ref: 2012/1400/P) for the erection of single storey extension, new rooftop plant, change of use from offices to retail or restaurant use & associated alterations. Granted 13/05/2014.

2014/2680/P - Details of ventilation measures as required by condition 9 of planning permission granted 31/01/13 (Ref: 2012/1400/P) for the erection of single storey extension, new rooftop plant, change of use from offices to retail or restaurant use & associated alterations. Current application under consideration.

Relevant policies

The proposed amendments are assessed for materiality – not on the basis of their planning merits. Planning policies therefore do not apply.

Assessment

Introduction

Planning permission was granted in January 2013 for various works to St George's Court. This was subject to a number of conditions, including the following in relation to ventilation:

No fixed ventilation plant and /or machinery shall come into operation until full details of the plant and machinery serving the development hereby permitted, and any mitigation measures to prevent odour nuisances, has been submitted to and approved in writing by the Council. The plant/machinery shall thereafter be maintained in effective order to the reasonable satisfaction of the Council. In the event of no satisfactory ventilation plant and / or machinery being provided, no primary cooking shall take place on the premises.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 (Managing the impact of development on occupiers and neighbours) and DP28 (Noise and vibration) of the London Borough of Camden Local Development Framework Development Policies.

The rationale for the condition is detailed at paragraph 6.20 of the committee report:

With regard to plant/equipment associated with any Class A3 use at the site, the applicant has denoted that exhaust risers will be provided so that hot-food cooking can potentially take place at the site, but the filtering and acoustic attenuation is to be provided by the future tenant, which at this stage is unknown. The Council's Environmental Health team has commented that given this context a condition should be added denoting that associated equipment shall not come into operation until further details, including mitigation measures to prevent odour nuisances, are provided. In short the earmarked locations as shown at roof level have the potential to be considered appropriate. However the condition will also specify that in the event of no satisfactory ventilation plant and / or machinery being provided, no primary cooking shall take place on the premises. This provides the Council with sufficient safeguards should issues arise in this regard in due course.

The applicant is now seeking to vary the wording of the condition, given that the ventilation in respect of the Class B1 office element of the proposals is now confirmed, but that for the future Class A1/A3 is not at present. This is as these future occupiers are not yet confirmed, and specific requirements will be required for the future occupier(s), unknown at this time.

Assessment

The applicant is seeking to merely vary the wording of the condition, to allow the office occupier to come into use prior to the Class A1/A3 uses. To do this, the wording of the condition will be amended to the following:

No fixed ventilation plant and /or machinery associated with the specified following uses:

- a) *The office (Class B1) uses at basement, part ground and upper floor levels;*
- b) *The flexible retail or restaurant units (Class A1/A3) at part ground floor level.*

shall come into operation until full details of the plant and machinery serving the relevant part of the development hereby permitted, and any mitigation measures to prevent odour nuisances, where applicable, has been submitted to and approved in writing by the Council. The plant/machinery shall thereafter be maintained in effective order to the reasonable satisfaction of the Council. In the event of no satisfactory ventilation plant and / or machinery being provided, no primary cooking shall take place on the premises.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance

with the requirements of policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 (Managing the impact of development on occupiers and neighbours) and DP28 (Noise and vibration) of the London Borough of Camden Local Development Framework Development Policies.

Whilst there is no statutory definition of what constitutes a 'non-material' amendment, Section 96A, part 2 of the Town and Country Planning Act 1990 (as amended) states that, *"In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted."* In the context of the permitted scheme it is not considered that the amendment will have any material impact on the approved development, or impact for nearby occupiers. The proposed variation is therefore considered appropriate, as it does not dilute any of the meaning of the original condition, but allows greater flexibility for the applicant to bring forward the information associated with the specific uses at an appropriate juncture. In overall terms, the amendments to condition wording are all considered to be consistent with the overall scope of the approved scheme. As a result, the proposal is not considered to be materially different from the approved scheme and accords fully with Section 96A of the Town and Country Planning Act 1990 (as amended).

This non-material amendment application has come about owing to concerns raised by Environmental Health officers about the separate submission for the approval of details for condition 9 (see relevant history above). This application will remain undetermined until this non-material amendment is approved. The approval of the non-material amendment application will enable condition 9a to be approved, with further details required by condition 9b to be submitted in due course.

An informative is recommended which states that this permission relates only to the changes highlighted. Furthermore it shall only be read in the context of the substantive planning permission granted on 31/01/2013 under reference number 2012/1400/P, and is bound by all the conditions and obligations attached to that permission.

Recommendation: Grant non-material amendment