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20 October 2014

**Our ref: LJW/HBI/LBU/J10152**

**Your ref: 2013/3880/P**

FAO David Fowler

Dear Sir,

**Town and Country Planning Act 1990 (as amended)**  
**251-258 Tottenham Court Road and 1 Bedford Avenue, London, W1T 7RB**  
**Application to vary Condition 4 of application ref: 2013/3880/P**

We write on behalf of our client, Exemplar, to submit an application under S73 of the Act for Minor Material Amendments to application ref. 2013/3880/P relating to 251-258 Tottenham Court Road and 1 Bedford Avenue, London.

#### **Background**

Planning permission was granted on 20 December 2013 for:

**"Erection of an eight storey building plus basement level for a mixed use development comprising retail use (Class A1) at part basement and ground floor levels and office use (Class B1) at part ground and first to seventh floor levels with associated plant in basement and roof, following complete demolition of existing retail/office buildings at 1 Bedford Avenue and 251-258 Tottenham Court Road."**

Following the grant of planning permission, an application for non-material amendments has been granted reference 2014/5568/P dated 15 October 2014.

This application includes all the amendments already approved under the section 96a permission.

#### **Minor Material Amendments**

The current amendments relate to external changes to allow accessible roof terraces on levels four, five, six and part of level seven of the Morwell Street Elevation. Additional non-material amendments are proposed internally to allow rationalisation at ground floor level and amendments to the internal column spacing. Whilst these internal changes are included within this pack, they are considered to be non-material.

The proposed terraces seek to ensure that visual impact is minimised through the installation of glass balustrades at each level. The views assessment enclosed within the Design and Access Statement clearly identifies that there is no visual impact as a result of these proposals.

In terms of intended use and capacity, the terraces seek to provide accessible outside 'break out' amenity space for office tenants. The terraces are not intended to provide entertainment or dining use for the office users. In addition, each terrace is accessible only from the offices on each level and by those tenant's demises that connect directly to that particular terrace.

There are no specific guidelines for providing a definitive level of capacity. However, it is considered appropriate to refer to a local fire brigade's calculation for escape widths to estimate the likely capacity of each terrace.

**Table 1:**

<b><u>Floor Space Factor</u></b>	
<b>Occupied Area Type</b>	<b>Typical Occupant Density m<sup>2</sup>/person</b>
Standing spectator/audience area or *bar area	0.3
Assembly area, public house, dance floor or hall etc	0.5
Dining area or restaurant	1.0
Sports area	2.0
Shop sales area	2.0
Display, production or workshop area	5.0
Office	6.0
Shop (bulky goods) sales area	7.0

Table 1 is an extract from the local fire brigade's floor space factor, based on the expected demographic and taking the above guidance into consideration we consider a sensible maximum capacity similar to that of a "Dining area or restaurant", i.e. 1.0 square metres per person, which is likely to represent the standing or seated use of the terraces. However when circulation space is taken into consideration, it is perhaps more likely that a sensible maximum capacity is 1.5 square metres per person. The terraces on each level vary in size as follows:-

1. Level 4,5 and 6 – 40.5 sq m per level
2. Level 7 – 13.5 sq m

On the basis of the guidance provided in Table 1 and given the proposed size at each level, it is expected that at level 4-6 a maximum capacity of 27 people could be facilitated, and at 7<sup>th</sup> floor level a maximum of 9 people could be facilitated. This is the maximum capacity and it is not considered that this would be the case in reality, but is included for the purposes of assessment.

As part of this application, a Noise Report has been carried out by Waterman which assesses the noise levels anticipated based on the levels of capacity set out above. It is concluded that for a worst case scenario (45 people on terrace at one time) noise at the nearest residential property would satisfy both internal and external criteria specified by the World Health Organisation and BS 8233 : Guidance on Sound Insulation and Noise Reduction for Buildings. It is therefore considered

that the noise levels expected as a result of the terraces would have no perceptable impact on nearby residential properties.

An addendum Daylight and Sunlight assessment has also been carried out and concludes that the glass balustrades are unlikely to have any impact on the daylight and sunlight to surrounding properties.

### **Application Documentation**

It is considered that the changes proposed to the approved scheme can be dealt with under the submission for a minor material amendment. For the avoidance of doubt, the application drawing set includes all application drawings together with a set of permitted drawings for comparison purposes.

As agreed with officers, we enclose one hard copy and 2 CDs with electronic files, of the following documentation:

- Completed and signed application form;
- Completed CIL form
- Addendum Design and Access Statement including the views, drawings, sections and elevations dated 22 October 2014 ref 1217(RP)006\_Design and Access Statement
- Letter in relation to the Daylight Sunlight assessment prepared by GIA dated 19 September 2014;
- Letter in relation to Sustainability and Energy prepared by Waterman dated 2 October 2014;
- Letter in relation to Noise prepared by Waterman dated 2 October 2014;
- Decision notice for application ref. 2013/3880/P.

In addition, please find enclosed a cheque for £195.00 made payable to London Borough of Camden to cover the requisite application fee.

We look forward to confirmation of validation of the application shortly. In advance of this, if you have any queries, please do not hesitate to contact Luke Butler of this office.

Yours faithfully



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