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Application Ref: **2014/6843/P**  
Please ask for: **David Fowler**  
Telephone: 020 7974 **2123**

6 May 2015

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:  
**251-258 Tottenham Court Road  
and 1 Bedford Avenue  
London  
W1T 7RB**

#### **Proposal:**

Variation of condition 4 (approved plans) of planning permission ref: 2013/3880/P dated 20 December 2013 for the 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. (namely for the creation of accessible terraces at 4th, 5th, 6th and 7th floor levels on Morwell Street serving offices).

Drawing Nos: 1217\_(P)\_001 rev C; 1217\_(P)\_099 rev E; 1217\_(P)\_100 rev D; 1217\_(P)\_101 rev D; 1217\_(P)\_102 rev C; 1217\_(P)\_103 rev C; 1217\_(P)\_104 rev C; 1217\_(P)\_105 rev C; 1217\_(P)\_106 rev D; 1217\_(P)\_107 rev D; 1217\_(P)\_108 rev D; 1217\_(P)\_201 rev B; 1217\_(P)\_302 rev D; 1217\_(P)\_303 rev D; 1217\_(P)\_304 rev B; 1217\_(P)\_401 rev A; 1217\_(P)\_402 rev A; 1217\_(P)\_403 rev A.

Daylight and Sunlight Addendum Letter Report (GIA 19/09/14), Letter - Noise Assessment (Waterman 2/10/14), Sustainability and Energy Letter (Waterman 2/10/2014).



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

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of the original permission 2013/3880/P dated 20 December 2013).

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

- 2 There shall be no additions to the roof of the building other than that approved.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 3 For the purposes of this decision, condition 4 of planning permission 2013/3880/P dated 20 December 2013 shall be replaced with the following:

4. The development hereby permitted shall be carried out in accordance with the following approved plans: 1217\_(P)\_001 rev C; 1217\_(P)\_099 rev E; 1217\_(P)\_100 rev D; 1217\_(P)\_101 rev D; 1217\_(P)\_102 rev C; 1217\_(P)\_103 rev C; 1217\_(P)\_104 rev C; 1217\_(P)\_105 rev C; 1217\_(P)\_106 rev D; 1217\_(P)\_107 rev D; 1217\_(P)\_108 rev D; 1217\_(P)\_201 rev B; 1217\_(P)\_302 rev D; 1217\_(P)\_303 rev D; 1217\_(P)\_304 rev B; 1217\_(P)\_401 rev A; 1217\_(P)\_402 rev A; 1217\_(P)\_403 rev A.

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

- 4 Full details of the green roof in the area indicated on the approved roof plan shall be submitted to and approved in writing by the local planning authority before the relevant part of the development commences. 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 CS13, CS15 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

- 5 The details in respect of the secure and covered cycle storage area for 60 cycles (type of stands and layout) shall be implemented as approved under reference 2014/6061/P (granted on 09/01/15). The approved facility shall thereafter be provided in its entirety prior to the first occupation of the development and

thereafter permanently retained.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policies DP17 and DP18 of the London Borough of Camden Local Development Framework Development Policies.

- 6 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant (or any part of it) is in operation unless the plant hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 7 Once the aggregated plant has been installed and fully commissioned a noise survey pursuant to BS4142 shall be carried out to verify compliance with condition 7. A noise report shall be produced containing all raw data and showing how calculations have been made including all corrections and assumptions made. A copy of such report shall be submitted to the Local Planning Authority for its approval in writing.

Reason: To safeguard the amenities of the premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 8 The waste storage areas, including provision recycled materials storage, 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 policy CS18 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 9 The development shall be carried out in all respects in accordance with the approved design and method statements for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (as approved under reference 2014/7042/P granted on 18/12/14), and 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 policy CS5 of the London Borough of Camden Local Development Framework Core Strategy.

- 10 Detailed drawings, and/or samples of materials as appropriate, in respect of all facing materials shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun.

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved sample panels shall be retained on site prior to the completion of the development.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 11 The details in respect of
- (a) a written programme of ground investigation for the presence of soil and groundwater contamination and landfill gas shall be implemented as approved under reference 2014/4866/P (granted on 22/09/14). The development shall only take place in accordance with the detailed scheme pursuant to this condition.
  - (b) following the approval detailed in paragraph (a), an investigation shall be carried out in accordance with the approved programme and the results and a written scheme of remediation measures [if necessary] shall be submitted to and approved by the local planning authority in writing.

The remediation measures shall be implemented strictly in accordance with the approved scheme and a written report detailing the remediation shall be submitted to and approved by the local planning authority in writing prior to occupation.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial use of the site in accordance with policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 12 In the event that additional significant contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the Environment Agency's Model Procedures for the Management of Contamination (CLR11), and where mitigation is necessary a scheme of remediation must be designed and implemented to the satisfaction of the local planning authority before any part of the development hereby permitted is occupied.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial use of the site in accordance with policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 13 Any impact piling must be undertaken in accordance with the approved impact piling method statement approved under reference 2014/6060/P (granted on 18/11/14).

Reason: To safeguard existing below ground public utility infrastructure and controlled waters in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy.

- 14 The development hereby approved shall commence as per the suitably qualified chartered engineer details approved under reference 2014/7042/P (granted on 18/12/14). Any change or reappointment of the suitable qualified engineer, 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 policy CS14 of the London Borough of Camden Local Development Framework Development Policies and policy DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies.

- 15 The proposed new ground floor retail windows on Morwell Street shall at all times include a shop front display of retail goods to the street.

Reason: To secure an active retail frontage to assist with passive surveillance and pedestrian activity along Morwell Street in accordance with policy CS17 of the London Borough of Camden Local Development Framework Core Strategy.

- 16 Prior to occupation of the development, full details of a CCTV strategy to include details of cameras to be affixed to the external faces of the buildings, including their range of coverage, shall have been submitted to and approved in writing by the local planning authority. The approved measures implemented prior to occupation of the relevant parts of the development and be thereafter retained and maintained.

Reason: In order to protect the amenities of residents living in the area immediately surrounding the development in accordance with policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 17 A) The development hereby approved shall be carried out in accordance with the Written Scheme of Investigation and programme of archaeological investigation approved under reference 2014/4866/P (granted on 22/09/14).  
B) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part (A).  
C) The development shall not be occupied until the site investigation and post

investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: To preserve/record any archaeological remains that may exist in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 18 Prior to commencement on the relevant part of the development hereby approved details of all external lighting to include location, design, specification, fittings and fixtures (including means of reducing light spillage) shall be submitted to and approved in writing by the local planning authority. Thereafter, the relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To safeguard the appearance of the premises and the character of the immediate area and to conserve biodiversity by minimise light pollution in accordance with the requirements of policies CS14 and CS15 of the London Borough of Camden LDF Core Strategy, DP24 and DP25 of the London Borough of Camden LDF Development Policies.

- 19 The details in respect of the redundant vaults located underneath the public highway adjacent to the site, details of the specific vault locations, proposed in-fill material specifications, and method statements to describe how the proposed works would be undertaken as approved under reference 2014/6061/P (granted on 09/01/15) shall be implemented as approved.

Reason: To safeguard existing below ground public utility infrastructure in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy.

- 20 Notwithstanding the approved drawings further details of the shop front recesses shall be submitted and approved in writing before the relevant part of the development commences.

Reason: To provide an environment that could allow people to sit within the public realm in compliance with policy CS7 of the London Borough of Camden Local Development Framework Core Strategy.

Informative(s):

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You are advised that this permission relates only to the changes highlighted on the revised plans referred to above and shall only be read in the context of the substantive permission granted on 20 December 2013 under reference number 2013/3880/P, and is bound to all other conditions and obligations attached to that

- permission.
- 2 The terraces are not considered to impact on the design of the elevation in question and would therefore not impact upon the character of the Bloomsbury Conservation Area. A letter has been received from the Bloomsbury CAAC supporting the proposal on design grounds. The proposal is therefore considered to be acceptable in conservation and design terms in accordance with the Council's policies.

Whilst there are flats on the other side of this part of Morwell Street, it is not considered that there would be a material impact in terms of privacy or noise, given that the terraces would serve office use and therefore would be used during the daytime only and for break out purposes. An addendum has been submitted to the original Daylight/Sunlight Report which demonstrates that there would be no material impact from the terraces in terms of loss of light.

No objections have been received and the site's planning history was taken into account in coming to this decision. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.66 (LB's) and s.72 (CA's) of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposed details are in general accordance with policies CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP24, DP25 and DP26 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with policies 7.4 and 7.6 of the London Plan 2011; and paragraphs 14, 17, 56 -66 and 126-141 of the National Planning Policy Framework.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully



Ed Watson  
Director of Culture & Environment