

Miss Freya Turtle
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Flitcroft House
114-116 Charing Cross Road
London
WC2H 0JR

Application Ref: **2017/5192/P**
Please ask for: **Jonathan McClue**
Telephone: 020 7974 **4908**

25 May 2018

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Grant of Non-Material Amendments to planning permission

Address:

St.Giles Circus site including: site of 138-148 (even) Charing Cross Road 4 6 7 9 10 20-28 (inc) Denmark Street 1-6 (inc) 16-23 (inc) Denmark Place 52-59 (inc) St.Giles High Street 4 Flitcroft Street and 1 Book Mews London WC2

Proposal: Non-material amendments to planning permission granted under reference 2012/6858/P (AS AMENDED VIA 2015/6939/P AND 2015/3900/P) dated 31/03/15 (for redevelopment involving the erection of three buildings following the demolition of 1-6, 17-21 Denmark Place and York and Clifton Mansions with retained facades at 1-3 Denmark Place and York and Clifton Mansions to provide 2895sqm of basement Event Gallery space; a 678sqm urban gallery with 1912sqm of internal LED screens; 884sqm of flexible retails and restaurant floorspace (Class A1/A3); 2404sqm of restaurant floorspace (Class A3); 385sqm of drinking establishment (Class A4) and a 14 bedroom hotel (Class C1). Change of use of 4, 6, 7, 9, 10, 20-28 Denmark Street, 4 Flitcroft Street and 1 Book Mews to provide 4,308sqm of office floor space (Class B1a); 2,959sqm of private residential floor space (Class C3); 239sqm of affordable housing (Class C3) and 2540sqm of retail floor space (Class A1). CHANGES include adding/shifting opening, increasing of plant enclosure and overruns and various external amendments to the approved scheme.

Drawing Nos: Superseded: 1793 PLEX016-10 Rev. P1, (1793 PL005-)00 Rev. P6; 01 Rev. P7; 02-06 Rev. P6, (1793 PL010-)01-06 Rev. P3, 1793 PL011-01 Rev. P7, (1793 PL015-)01-02 Rev. P6; 06-07 Rev. P6 and 1793 PL016-10 Rev. P6.

Approved: (1793 PL005-)00 Rev. P8; 01 Rev. P9; 02-03 Rev. P8; 04-06 Rev. P7, (1793 PL010-)01 Rev. P4; 02-03 Rev. P5; 04-05 Rev. P4; 06 Rev. P5, (1793 PL011-)01 Rev.



P9; 03 Rev. P8; 04 Rev. P7, (1793 PL015-)01 Rev. P8; 02 Rev. P7; 06-07 Rev. P8, 1793 PL015-07 Rev. P8, 1793 PL016-10 Rev. P7 and 1793 PLEX016-10 Rev. P2.

The Council has considered your application and confirms that the proposals are acceptable as non-material amendments to the planning permission set out above.

For the purposes of this decision, condition no.2 of planning permission 2012/6858/P shall be replaced with the following condition:

REPLACEMENT CONDITION 2

The development hereby permitted shall be carried out in accordance with the following approved plans:

(1793 PL001-)01 Rev P2; 02; 03; 04 Rev P3; 05 Rev P6; 010 Rev P3; 11 Rev P7; 012 Rev P3, S10/DSD/195, 1401_PL100; 1793PLEX005-B1 P2; 1793PLEX005-00 P2; 1793PLEX005-01 P2; 1793PLEX005-02 P2; 1793PLEX005-03 P2; 1793PLEX005-04 P2; 1793PLEX005-05 P2; 1793PLEX005-05/Roof Plan P2; 1793PLEX005-16 P2; 1793PLEX005-10 P2; 1793PLEX005-11 P2; 1793PLEX005-12 P2; 1793PLEX005-13 P2; 1793PLEX005-14 P2; 1793PLEX005-15 P2; 1793PLEX010-01 P2; 1793PLEX010-02 P2; 1793PLEX010-03 P2; 1793PLEX010-04 P2; 1793PLEX011-01 P2; 1793PLEX011-02 P2; 1793PLEX011-03 P2; 1793PLEX011-04 P2; 1793PLEX015-01 P2; 1793PLEX015-02 P2; 1793PLEX015-03 P2; 1793PLEX015-04 P2; 1793PLEX015-05 P2; 1793PLEX015-06 P2; 1793PLEX015-07 P2; 1793PL005-B2 P3; 1793PL005-B1 P6; 1793PL005B1; MZ P6; 1793PL005-00 LG 1793PL005-00 P8; 1793PL005-01 P9; 1793PL005-02 P8; 1793PL005-03 P8; 1793PL005-04 P7; 1793PL005-05 P7; 1793PL005-06 P7; 1793PL005-RF P2; 1793PL010-01 P4; 1793PL010-02 P5; 1793PL010-03 P5; 1793PL010-04 P4; 1793PL010-05 P4; 1793PL010-06 P5; (1793PL011-)01 P9; 02 P3; 03 P8; 04 P7, 1793PL015-01 P8; 1793PL015-02 P7; 1793PL015-03 P3; 1793PL015-06 P8; 1793PL015-07 P7; 1793PLEX016-10 P2; 1793PLEX016-20 P2; 1793PLEX016-21 P2; 1793PLEX016-22 P2; 1793PLEX016-23 P2; 1793PLEX016-24 P2; 1793PLEX016-25 P2; 1793PLEX016-26 P2; 1793PLEX016-50 P2; 1793PLEX016-51 P2; 1793PLEX016-52 P2; 1793PLEX016-53 P2; 1793PLEX016-54 P2; 1793PLEX016-60 P2; 1793PLEX018-00 P6; 1793PLEX018-01 P6; 1793PLEX018-02 P6; 1793PLEX018-03 P6; 1793PLEX018-04 P6; 1793PLEX018-05 P6; 1793PLEX018-06 P6; 1793PLEX018-07 P6; 1793PLEX018-10 P6; 1793PLEX018-11 P6; 1793PLEX018-12 P6; 1793PLEX018-13 P6; 1793PLEX018-14 P6; 1793PLEX018-15 P6; 1793PLEX018-16 P6; 1793PLEX018-17 P6; 1793PLEX018-LP P6; 1793PLEX018-OV P6; 1793PLEX018-SP P6; 1793PL016-SP P6; 1793PL016-00 P3; 1793PL016-01 P6; 1793PL016-02 P6; 1793PL016-03 P3; 1793PL016-04 P3; 1793PL016-05 P3; 1793PL016-06 P3; 1793PL016-07 P3; 1793PL016-08 P3; 1793PL016-09 P3; 1793PL016-10 P8; 1793PL016-11 P6; 1793PL016-12 P6; 1793PL016-50 P3; 1793PL016-51 P3; 1793PL016-52 P3; 1793PL016-53 P3; 1793PL016-54; 1793PL016-55 P3; 1793PL016-56 P3; 1793PL016-60 P3; 1793PL018-00 P7; 1793PL018-01 P7; 1793PL018-02 P6; 1793PL018-03 P6; 1793PL018-04 P7; 1793PL018-05 P7; 1793PL018-6 P6; 1793PL018-07 P7; 1793PL018-08 P6;

1793PL018-10 P6; 1793PL018-11 P6; 1793PL018-12; 1793PL019-13 P6; 1793PL018-14 P6; 1793PL018-20 P6; 1793PL018-21 P6; 1793PL018-22 P6; 1793PL18-23 P6; 1793PL018-SP P6; 1793PL021-01 P3; 1793PL021-02 P3; 1793PL021-05 P3; 1793PL021-06 P3; 1793PL021-10 P3; 1793PL021-11 P3; 1793PL021-14 P3; 1793PL021-15 P3; 1793PL021-16 P3; 1793PL021-20 P3; 1793PL021-21 P3; 1793PL021-22 P3; 1793PL021-23 P3; 1793PL021-28 P3; 1793PL021-30 P3; 1793PL021-31 P3; 1401PL(00)100 P2; 1401PL(00)00 P2; 1401PL(00)01 P2; 1401PL(00)02 P2; 1401PL(00)03 P2; 1401PL(00)04 P2; 1401PL(00)05; 1401PL(00)06; 1401PL(00)07; 1401PL(00)08; 1401PL(00)30; 1401PL(00)31 P2; 1401PL(00)32; 1401PL(00)33 P2; 1401PL(00)34 P2; 1401PL(00)35; 1973 SCG NMA Design Note 180321; Buro Happold Transport Assessment Addendum 028676 rev 01, 11 September 2013; Buro Happold Transport Assessment 02876 03, December 2012; Turley Associates Planning Addendum CONL2000, 9 September 2013; Turley Associates Supplementary Planning Report and appendices, April 2013; Turley Associates Planning Statement December 2012; Engenuiti Listed Buildings Visual Structural Report 029-S-REP-003, 1st December 2012; Design and Access Statement rev A, September 2013; GL Hearn Affordable Housing Statement, 10 December 2012; Charcoal Blue Venue Management Plan rev A, October 2012; Engenuiti Basement Impact Assessment North of Denmark Street, 4th December 2012;

Engenuiti Basement Impact Assessment 4 Flitcroft Street, 3rd December 2012; Licensing Strategy for St Giles Circus Development, undated; Monmouth Dean Marketing Report, 19 December 2012; Letter from Outlet Sales and lettings dated 19th June 2013; Four, Statement of Community Involvement, December 2012; Buro Happold Energy Statement 02876 01, 24 October 2012; Buro Happold Sustainability Statement 02876 01, 14 December 2012; Buro Happold Environmental Statement Addendum 02876 rev 02, 11 September 2013; Buro Happold Environmental Statement Addendum Volume II: Appendices 02876 rev 00, 11 September 2013; Buro Happold Environmental Statement Addendum Volume III: Appendices 02876 rev 00, 11 September 2013; Buro Happold Environmental Statement: Non Technical Summary 02876 01, 14 December 2012; Buro Happold Environmental Statement Volume 1 Main Report 02876 01, 14/12/12; Buro Happold Environmental Statement Volume 11 appendices 02876 01, 14/12/12; Project Centre Flood Risk Assessment, September 2012; Engenuiti Civil and Structural Engineering Concepts Report 09-S-REP-002, 7th December 2012; Engenuiti London Underground - Correspondence Report 029-S-REP-005, 7th December 2012; Engenuiti Concetual Design Statement for Crossrail 029-S-REP-001, revision 01, December 2012; Engenuiti Retained Façade Structural Engineering report 029-S-REP-004, 4th December 2012; Outernet Gallery employment schedule; Turley Associates letter entitled "St Giles Circus - Addendum Submission", 17 September 2013; Two emails from Turley Associates; dated 6 November 2012 entitled "Denmark Street A1/B1 Existing and Proposed GIA"; Existing Gross Internal Floor Area Schedule dated 1 November 2012; Proposed Gross Internal Floor Area Schedule rev D dated 13 June 2013; letter from GVA Schatunowski Brooks entitled "St Giles Development and Endell Street Satellite Development" ref KW10/LJ11 dated 18 October 2013; Daylight/Sunlight Amenity Analysis prepared by GVA Schatunowski Brooks dated 13 May 2013; 3d view of proposed development in relation to first residential floor of Centre Point BRE/26 dated 18/10/13; letter from GVA Schatunowski Brooks entitled "Endell Street in connection with St Giles Circus, London - daylight within the proposed

development" dated 21 May 2013 and associated plans dated 13 May 2013 (BRE - 003; -004; -005; -006; CAD 001; CAD 002); Clarifications on Wind Assessments in the vicinity of Centrepont tower, 21st May 2013; Turley Associates Supplementary HMO note and associated plans, licence and evaluation of standard of accommodation, 16 May 2013; Engenuiti North of Denmark Street Basement Impact Assessment 30th November 2015 ; Engenuiti 4 Flitcroft Street; 1 Book Mews Basement Impact Assessment 19/06/2015; MMA 02 - Design Statement February 2016; Basement Impact Assessment (ref: 029REP006 Rev 03) dated 30th November 2015, Planning Statement December 2015, Method Statement Demolition to Number 23 Denmark Place SGC-1473-PMC-015 dated 04/03/2016, Method Statement for Relocation of The Smithy Building (ref: GA20986) by Abbey Pynford and GA20986-U-01-A.

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

Informative(s):

1 Reason for granting approval

This non-material amendment (NMA) includes a number of changes to the approved development listed below and set out within the applicant's covering letter and supporting documents. The main changes include: creation/relocation of external openings; addition to high level intake to Building B; rear façade of 21 Denmark Place stepped inwards; length of stair to rear of 25 Denmark Street extended; 800mm fire rated upstand introduced to new link building between 26 Denmark Street and the Smithy; balcony breast walls and door frames on upper floors of Building A changed to fold anodised aluminium in lieu of PVD stainless steel and sliding shutters removed; ventilation louvers in lieu of glazing between bay window and retained façade to 52 St Giles High Street; size of air zone increased in Building B; parapet of Building B at second floor level raised by 300mm; internal plant layout in 56-68 St Giles High Street altered and plant replacement roof hatch added; chiller enclosure on roof of 17-19 Denmark Place updated; ventilation plinths added to Building B and lift overrun increased in height; AOV window relocated and ductwork and access doors added to 22 Denmark Street; core of 25 Denmark Street brought forward by 1.25m; lift overrun added to 25 Denmark Street; AOV roof light relocated at 22 Denmark Street.

Government guidance states that there is no statutory definition of 'non-material'. The National Planning Practice Guidance (NPPG) makes it clear that this is because whether changes are non-material is dependent on the context of the overall scheme. The subject scheme is a large major development providing a new urban block with a 2,895sqm new subterranean event space; 6,213sqm A1-A4 space; 4,308sqm office space; a new hotel and 23 residential units. It involves the demolition of a number of buildings, the construction of two large buildings (A and B) and alterations to dozens of existing buildings (both listed and unlisted).

The submitted changes do not include a material change of use, there are no material changes to the floor area of the development or its uses, the buildings are not materially increasing in footprint, size or height, there are no changes to the numbers of residential units and there are no changes that would materially impact

the external appearance of the approval or introduce material neighbouring amenity impacts. No new material planning considerations are raised.

Overall, in the context of the approved scheme, none of the changes are considered to make a material difference in architectural appearance or finished character and quality on the original approvals, and they all have a rationale.

Further to the above, there are a range of planning conditions and legal obligations attached to the original permission to control the internal aspects of the development. These would all be in place following the granting of the NMA.

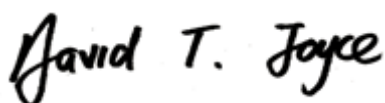
The nature, size and quantum of the uses are not being materially altered. There would be no material increase in noise, general disturbance or scale of use.

On this basis the proposed amendments, individually and when considered cumulatively, are considered to constitute non-material amendments in the context of the original approved scheme. It is considered that the changes would not materially alter the appearance of the building, the nature and scale of the development nor would it result in a significant increase to neighbouring amenity impacts.

- 2 You are advised that this decision relates only to the changes set out above and within the submitted documents and shall only be read in the context of the substantive permission granted on 31/03/2015 under reference number 2012/6858/P and is bound by all the conditions and legal obligations attached to that permission.

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.

Yours faithfully



David Joyce
Director of Regeneration and Planning

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