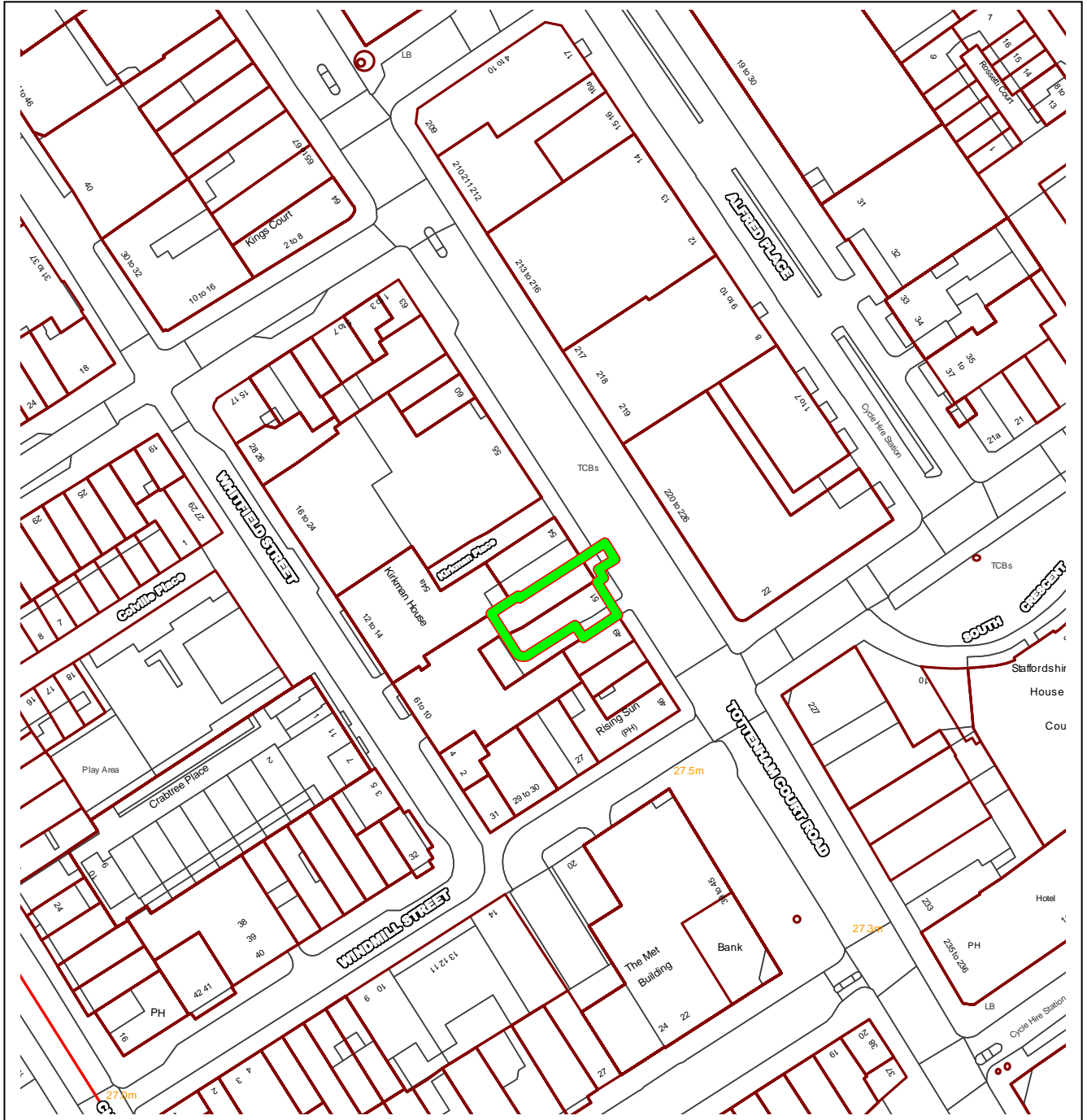


Ground Floor and Basement Units, 51-52 Tottenham Court Road, London, W1T 2EH ref. 2018/3565/P



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Photo 1 (above): Front elevations of Nos. 51 and 52 Tottenham Court Road



Photo 2 (above): Front elevations of Nos. 51, 52, 53 and 54 Tottenham Court Road



Photo 3 (above): Close up view of shopfront at No. 51 Tottenham Court Road looking north



Photo 4 (above): Close up view of relationship between Nos. 51 and 52 Tottenham Court Road looking south



Photo 5 (above): Close up view of shopfront entrances to Nos. 51 and 52 Tottenham Court Road



Photo 6 (above): Close up view of shopfront at No. 52 Tottenham Court Road



Photo 7 (above): Close up view of shopfront at No. 52 Tottenham Court Road including door to offices above



Photo 8 (above): View of access road adjacent to ground floor of No. 51 Tottenham Court Road with first floor of building above

Delegated Report (Members' Briefing)		Analysis sheet		Expiry Date:		03/12/2018		
		N/A		Consultation Expiry Date:		18/11/2018		
Officer				Application Number(s)				
Charlotte Meynell				2018/3565/P				
Application Address				Drawing Numbers				
Ground Floor and Basement Units 51-52 Tottenham Court Road London W1T 2EH				See draft decision notice				
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature		
Proposal(s)								
Excavation of new basement and lowering of existing basement floor level by 1.0m; installation of 2 x new shopfronts.								
Recommendation(s):		Grant Conditional Planning Permission subject to a Section 106 Legal Agreement						
Application Type:		Full Planning Application						
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice						
Informatives:								
Consultations								
Adjoining Occupiers:		No. of responses			0	No. of objections		0
Summary of consultation responses:		<u>A site notice was displayed on 24/10/2018</u> <u>A press notice was advertised on 25/10/2018</u> No responses were received from neighbouring occupiers.						
Bloomsbury CAAC comments:		The Bloomsbury CAAC have objected on the following grounds: <ul style="list-style-type: none"> Excavation of the basement would set an undesirable precedent. The proposed shopfronts would involve destruction of the traditional front door to the upper floor and substantial dividing wall, which would degrade the conservation area. <p><u>Officer Response:</u></p>						

	<ul style="list-style-type: none"> • <i>Officers consider the basement proposal to be proportionate to the building it would serve and be in keeping with the prevailing pattern of development. A basement predominantly underneath the footprint of a commercial building within the Central London Area is considered to be an acceptable proposal. Please refer to the 'Basement development' section in paragraphs 3.8-3.9 of the report; the proposal would comply with all indicators of policy A5</i> • <i>The design of the proposed shopfronts has been revised following the comments. Overall they are considered to be an improvement over existing and would preserve the character and appearance of the conservation area. Please refer to paragraphs 3.1-3.7 of the report</i>
<p>Transport for London (TfL) Spatial Planning comments:</p>	<p>Transport for London (TfL) Spatial Planning have objected on the following grounds:</p> <p>The site is on A400 Tottenham Court Road which forms part of the Strategic Road Network (SRN). While the Local Authority is the Highway Authority for those roads, TfL has a duty under the Traffic Management Act 2004 to ensure that any proposal does not have an adverse impact on the SRN.</p> <p>Percy Street (Stop E) is the closest bus stop which is approximately 60m to the southeast of the site. The bus stop is served by the 14, 24, 29, 73, 134, 390, N5, N20, N29, N73, N253, and N279 services. It is essential that no disruption to the bus stop and services occurs due to the excavation and installation works. Goodge Street Station is approximately 130m to the northwest of the site and it is served by the Northern Line.</p> <p><u>Cycle parking</u></p> <p>It is unclear how many cycle parking spaces are proposed and whether they can accommodate larger cycles. To comply with standards set out in the draft London Plan and minor suggested changes, a minimum of 2 long-stay and 8 short-stay cycle parking spaces should be provided and these should be secured by condition.</p> <p>Cycle parking should follow the London Cycling Design Standards (LCDS) and be located in an accessible, convenient, secure, and sheltered area. End of journey facilities should also be provided for the employment uses including shower and changing facilities.</p> <p>Access to the cycle parking should be step-free with wide doorways and spacious corridors. Any doors to the cycle parking should be automated. TfL requests the applicant to clarify the design and access to the basement cycle parking comply with LCDS.</p> <p><u>West End project</u></p> <p>TfL is concerned that the Healthy Streets benefits of the West End public realm improvement project may be negatively impacted by construction of this scheme, and the Council should therefore seek a Section 278 (S278) agreement with the applicant to make good any damage to the local footways and SRN carriageway during construction. It would not be acceptable for the recent improvements to immediately suffer damage and for the quality and attractiveness of the local pedestrian environment to worsen following completion of this scheme.</p>

Crossrail contributions

The site is within The Central London charging area where section 106 contributions for Crossrail will be sought in accordance with London Plan policy 6.5 and the associated Supplementary Planning Guidance (SPG) 'Crossrail funding' (March 2016). In these situations, the Mayor's CIL charge (but not the Borough's) will be treated as a credit towards the section 106 liability. The practical effect of this will be that only the larger of the two amounts will normally be sought. As the CIL charge will not be confirmed until development is about to commence, the section 106 agreement will need to be worded so that if the section 106 contribution based on the assumed CIL proves incorrect the contribution is adjusted accordingly (assuming it is still more than the CIL).

Summary

In conclusion, TfL currently **objects** to the proposal on cycle parking grounds, pending provision of further information by the applicant to resolve TfL Spatial Planning's concerns.

Should it be granted planning permission, the footway and carriageway on A400 Tottenham Court Road must not be blocked during excavation and installation works. Temporary obstructions must be kept to a minimum and should not encroach the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic. The Council should also ensure that the local street environment is protected and if necessary reinstated or improved via S278.

All vehicles associated with the excavation and installation works must only park/stop at permitted locations and within the time periods permitted by existing on-street restrictions.

Officer Response:

- *Cycle parking: due to the constraints of the site, the Council's Transport Services have confirmed that in this instance the Council would accept the provision of 4 long-stay cycle parking spaces and a Pedestrian, Cycling and Environmental Contribution of £800 in lieu of the short-stay cycle parking spaces, to be secured by a Section 106 Legal Agreement; please refer to paragraph 5.5 of the report*
- *West End Project: a highways contribution of £21,100 would be secured through a Section 106 Legal Agreement to allow for any damage to the footway and public highway caused during construction to be repaired following development; please refer to paragraph 5.3 of the report.*
- *Crossrail contributions: The Crossrail Funding SPG (updated March 2016 states that 'Planning obligations/S.106 contributions should be sought in respect of retail and hotel and office development in central London and the northern part of the Isle of Dogs, which involves a net increase in office floorspace of more than 500 square metres with contributions proportionate to the calculated impact.' The proposed development would be under 500sq.m so would not be liable for a Crossrail contribution (over and above CIL).*

<p>Transport for London (TfL) Crossrail 2 Safeguarding comments:</p>	<p>I confirm that this application relates to land within the limits of land subject to consultation by the Crossrail 2 Safeguarding Direction. If the Council, in its capacity as Local Planning Authority, is minded to grant planning permission, please apply the following conditions on the Notice of Permission:</p> <p>C1 None of the development hereby permitted shall be commenced until detailed design and construction method statements for all the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority which:</p> <p>(i) Accommodate the proposed location of the Crossrail 2 structures including tunnels, shafts and temporary works,</p> <p>(ii) Accommodate ground movement arising from the construction thereof,</p> <p>(iii) Mitigate the effects of noise and vibration arising from the operation of the Crossrail 2 railway within the tunnels and other structures.</p> <p>The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs C1(i), (ii) and (iii) and of this condition shall be completed, in their entirety, before any part of the building[s] [is] [are] occupied.</p> <p>Informative: Transport for London is prepared to provide to information about the proposed location of the Crossrail 2 tunnels and structures. It will supply guidelines about the design and location of third party structures in relation to the proposed tunnels, ground movement arising from the construction of the tunnels and noise and vibration arising from the construction and use of the tunnels. Applicants are encouraged to discuss these guidelines with the Crossrail 2 engineer in the course of preparing detailed design and method statements.</p> <p>In addition, the latest project developments can be found on the Crossrail 2 website www.crossrail2.co.uk, which is updated on a regular basis.</p> <p><u>Officer Response:</u></p> <p><i>The above-mentioned condition and informative requested by Transport for London (TfL) Crossrail 2 Safeguarding would be added to the decision notice if planning permission is granted; see paragraph 4.4 of the report.</i></p>
<p>London Underground Infrastructure Protection comments:</p>	<p>Though we have no objection in principle to the above planning application there are a number of potential constraints on the redevelopment of a site situated close to underground tunnels and infrastructure. Therefore, it will need to be demonstrated to the satisfaction of LUL engineers that:</p> <ul style="list-style-type: none"> the development will not have any detrimental effect on our tunnels and structures either in the short or long term

- the design must be such that the loading imposed on our tunnels or structures is not increased or removed
- we offer no right of support to the development or land

Therefore we request that the grant of planning permission be subject to conditions to secure the following:

The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:

- provide details on all structures
- accommodate the location of the existing London Underground structures and tunnels
- accommodate ground movement arising from the construction thereof
- and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition 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 with London Plan 2015 Table 6.1, draft London Plan policy T3 and ‘Land for Industry and Transport’ Supplementary Planning Guidance 2012.

We also ask that the following informative is added:

The applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; excavation and construction methods.

Officer Response

The above-mentioned condition and informative requested by London Underground Infrastructure Protection will be added to the decision notice if planning permission is granted; see paragraph 4.4 of the report.

Thames Water comments:

WASTE COMMENTS

Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing a positive pumped device (or equivalent reflecting technological advances) to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Fitting only a non-return valve could result in flooding to the property should there be prolonged surcharge in the public sewer. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a

Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality

'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."

WATER COMMENTS

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Officer Response:

The above-mentioned informatives requested by Thames Water will be added to the decision notice if planning permission is granted; see paragraph 4.4 of the report.

Site Description

The application site comprises of Nos. 51 and 52 Tottenham Court Road, which are two separate four-storey mid-terrace buildings situated on the western side of Tottenham Court Road. The basement and ground floors are in retail use (Class A1). The first, second and third floors of No. 51 are in residential use, and the units are accessed from an entrance fronting Tottenham Court Road, adjacent to the shopfront at No. 51. The first, second and third floors at No. 51 are in office use (Class B1a) and are accessed from an entrance door fronting Tottenham Court Road, adjacent to the shopfront at No. 52. This application relates to the retail premises at basement and ground floor only; however, it does include the installation of replacement ground floor entrance doors to the upper floor residential and office units as part of the proposed replacement shopfronts. No other changes are proposed to the existing upper floor residential units or offices at Nos. 51 and 52.

The buildings are not listed, but are located within the Charlotte Street Conservation Area and are identified in the Charlotte Street Conservation Area and Management Strategy as making a positive contribution to the character and appearance of the area. The shopfronts are not identified as being of merit.

The site is located within the Central London Area and is near the tunnels and assets of London Underground (LU) for use by the Northern Line and the site's red line boundary overlaps with LU's Zone of Influence.

Relevant History

51-52 Tottenham Court Road

2009/5669/P – Erection of six storey building and excavation of basement to create retail space (Use Class A1) at ground and basement levels, and 3 x 2 bedroom flats, 2 studio flats (Use Class A3) and 20 bedrooms for student accommodation with shared facilities (Sui Generis) on the floors above, following demolition of the existing buildings. **Planning permission refused 24/08/2010 for the following reasons (summary):**

- Design and heritage – demolition of buildings which make a positive contribution to the conservation area and erection of proposed replacement building would have a detrimental impact on the character and appearance of buildings, streetscene and conservation area.
- Substandard residential accommodation – small size of proposed self-contained studio flats would result in cramped accommodation.
- Cycle parking – inadequate cycle parking facilities provided for proposed housing.
- Absence of Section 106 Legal Agreement to secure car-free housing; locally sourced workforce, goods and services; compliance with BREEAM; a Construction Management Plan; highways works contributions; contribution to open space provision; restriction of student accommodation to students of an agreed named HEFCE-funded further educational institution within the London Borough of Camden; restriction of proposed units to student accommodation only and not C3 self-contained housing.

2011/2286/P – Erection of roof extension to 4th floor and alterations to front elevation in connection with provision of additional 2-bed self-contained flat (Class C3). **Planning permission refused 17/10/2011; Appeal ref. APP/X5210/A/11/2166925 dismissed 26/04/2012**

Reasons for refusal (summary):

- Design and heritage – detrimental impact of proposal on character and appearance of buildings, streetscene and conservation area.
- Absence of Section 106 Legal Agreement to secure car-free development and a Construction Management Plan.

Appeal reasons for dismissal (summary):

- The Inspector agreed that the proposed roof extension would adversely affect the character and appearance of the building and would fail to preserve or enhance the character or appearance of the Charlotte Street Conservation Area.

2016/2027/P – Demolition of existing rear extensions and erection of 4 storey rear extension, basement extension, roof extensions comprising an additional storey with mansard level above to no. 51 and set back roof extension no. 52 and external alterations including new shopfronts all to provide a mixed use retail, office and residential development involving the refurbishment and amalgamation of the existing ground floor retail units, refurbishment/reconfiguration of existing uses on the upper floors including the provision of additional office space at first - third floor levels and a new 3 bed residential flat at fourth

floor level. **Planning permission refused 18/10/2016; Appeal ref. APP/X5210/W/17/3173819 dismissed 08/03/2018**

Reasons for refusal (summary):

- Design and heritage – detrimental impact of proposed roof extensions and rear extensions on character and appearance of buildings, streetscene and conservation area.
- Amenity – detrimental impact of proposed rear extensions on amenities of surrounding properties.
- Basement impacts – insufficient information submitted in order to determine the potential impacts of the proposed basement on the structural stability of the building and neighbouring properties; drainage and run-off.; or other damage to the water environment.
- Cycle parking – inadequate cycle parking facilities provided for proposed housing.
- Absence of Section 106 Legal Agreement to secure car-free housing; a Construction Management Plan; and highways works contributions.

Appeal reasons for dismissal (summary):

- The appeal was dismissed as the Inspector agreed that the proposed rear and roof extensions would be harmful to the character and appearance of the streetscene and conservation area, and to the amenity of neighbouring offices to the rear.
- It is noted that basement matters were resolved during the appeal as the basement information was independently audited by Campbell Reith, who confirmed in their final audit report of December 2017 that the basement issues had been addressed, and the proposed basement would be acceptable.

Relevant policies

National Planning Policy Framework 2018

London Plan 2016

Draft New London Plan showing Minor Suggested Changes (13 August 2018)

Camden Local Plan 2017

G1 Delivery and location of growth

A1 Managing the impact of development

A4 Noise and vibration

A5 Basements

D1 Design

D2 Heritage

D3 Shopfronts

H2 Maximising the supply of self-contained housing from mixed-use schemes

T1 Prioritising walking, cycling and public transport

T2 Parking and car-free development

T3 Transport infrastructure

T4 Promoting the sustainable movement of goods and materials

TC1 Quantity and location of retail development

Camden Planning Guidance (CPG)

CPG Amenity (2018)

CPG Basements (2018)

CPG1 Design (2015; updated 2018)

CPG3 Sustainability (2015)

CPG6 Amenity (2011; updated 2018)

CPG7 Transport (2011)

CPG8 Planning Obligations (2015)

Charlotte Street Conservation Area and Management Strategy (2008)

Fitzrovia Area Action Plan

Assessment

1.0 Proposal

1.1 This application seeks planning permission for the following:

- Lowering of existing basement at Nos. 51 and 52 Tottenham Court Road by 1m and excavation of a new single storey basement beneath the full footprint of the ground floor of both units, to extend beneath the highway of Tottenham Court Road in front of No. 52. The proposed basement excavation would have an internal floorspace of 220sqm (resulting in an uplift of 144.5sqm in GIA). The basement would be enclosed by retaining walls with a width of between 1.0m and 1.3m to all sides. The basement would have a maximum internal width of 10.75m, maximum length of 20.7m below No. 51 and 24.3m below No. 52, and excavated to a maximum depth of 3.76m, with a floor to ceiling height of 3.16m. The existing basement beneath No. 52 includes a vault beneath the front pavement and part of the highway along Tottenham Court Road. This element would be extended to create a back of house cycle and refuse storage area with a floor to ceiling height of 2.615m. The rest of the proposed basement would provide additional retail accommodation.
- Installation of replacement shopfronts to Nos. 51 and 52 Tottenham Court Road.
- As a result of the development the retail units at basement and ground floor levels at Nos. 51 and 52 Tottenham Court Road would be amalgamated to 1 x retail unit.

Revisions

1.2 Following negotiation with officers, the proposed shopfronts have been re-designed. The shopfront to No. 51 has been revised to incorporate a solid timber entrance door to the upper floor residential units with a traditional fan light above; to introduce a transom to match the height of the fan light; and to introduce solid stallrisers to match detailing on the residential entrance door. The shopfront to No. 52 has been revised to raise the height of the shopfront to better match the proportions of the façade.

Comparison to previous applications

1.3 There have been several applications over the last 10 years to redevelop the site at Nos. 51-52 Tottenham Court Road (see 'Planning history' section above), all of which have been refused. The most recent application ref. 2016/2027/P for the erection of a 4-storey rear extension, basement excavation and roof extensions comprising of an additional storey to provide a mixed use retail, office and residential development was refused on 18/10/2016 and dismissed at appeal on 08/03/2018. This current application has been submitted to address the issues raised and upheld at appeal in the previous applications, namely the impacts of external extensions on the character and appearance of the streetscene and Charlotte Street Conservation Area, and amenity impacts of these extensions on neighbouring office buildings. The current scheme has significantly reduced the scale of the proposed development at the site in comparison to the previous applications, proposing the excavation of a new basement and replacement shopfronts only, and no other extensions above basement level. As such, it is considered that the proposal has now overcome the reasons for refusal of the previous schemes.

2.0 Assessment

2.1 The main planning considerations in the assessment of this application are:

- Land use;
- Design (the effect the proposal has on the character of the host property as well as that of the Charlotte Street Conservation Area);
- Basement Impact (the impact on the natural and built environment);
- Transport and Planning Obligations (the effect of the proposal upon local transport and highways and the necessary planning obligations required);
- Amenity (the impact of the proposal on the amenity of adjoining occupiers).

3.0 Land use

- 3.1 Policy H2 states that the Council will promote the inclusion of self-contained homes as part of a mix of uses. In the Central London Area, where development involves additional floorspace of more than 200sqm (GIA), the Council will require 50% of all additional floorspace to be self-contained housing.
- 3.2 The application site is located within the Central London Area; however, the development would result in an uplift of 144.5sqm GIA. As the additional floorspace is below the minimum of 200sqm GIA required by policy H2, the requirement to provide on-site self-contained housing does not apply.
- 3.3 Policy TC2 states that the Council will focus new shopping and related uses in Camden's designated growth areas and existing centres, with significant provision in the Tottenham Court Road Central London frontage.
- 3.4 The scheme proposes to remove the existing party/dividing wall between 51-52 Tottenham Court Road at basement and ground floor level, in order to form a single retail unit, with a floorspace of 212sqm at ground floor level and 220sqm at basement level. As both Nos. 51 and 52 are in existing retail use, planning permission is not required to convert the two separate retail units into one retail unit. The proposal would also result in an uplift in retail floorspace of 144.5sqm GIA, which supports the aims of policy TC1.

4.0 Design

- 4.1 The Council's design policies are aimed at achieving the highest standard of design in all developments. Policy D1 states that the Council will require all developments to be of the highest standard of design and to respect the character, setting, form and scale of neighbouring buildings, and the character and proportions of the existing building. Policy D2 states that within conservation areas, the Council will only grant permission for development that 'preserves or, where possible, enhances' its established character and appearance.
- 4.2 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Area) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

Shopfronts

- 4.3 Policy D3 states that the Council will expect a high standard of design in new and altered shopfronts, and that the Council will therefore seek to ensure that replacement shopfronts respect the characteristics of the building and, where appropriate, shopfront windows and framework features, such as pilasters, fascias and console brackets, should be retained or restored.

- 4.4 The existing shopfronts are non-original metal framed shopfronts, and are not identified in Charlotte Street Conservation Area Statement and Management Strategy as being shopfronts of merit.
- 4.5 The host buildings at Nos. 51 and 52 are of a different architectural style, and as the Charlotte Street Conservation Area is characterised by single individual shopfronts, it is important that the differentiation between the two shopfronts be retained, despite the internal amalgamation.
- 4.6 Due to the above requirement the proposed replacement shopfront at No. 52 has been revised through the course of the application to raise the height of the shopfront above that of the replacement shopfront at No. 51. The Council's Conservation Officer has confirmed that the revised shopfront would match the proportions of the façade and would ensure that the perceived separation of the units at ground floor level is retained, which would preserve the character and appearance of the Charlotte Street Conservation Area. Overall, the modern design of the revised shopfront at No. 52 with powder coated aluminium frames and full-height glazing is considered appropriate as it would replace an existing shopfront of a similar design.
- 4.7 The replacement shopfront at No. 51 has been revised, following requests from officers, to incorporate transoms and solid stallrisers in powder-coated metal. The existing non-original timber entrance door to the residential flats above would be replaced with a new timber entrance door with a traditional fanlight above to match the height of the proposed transoms. The traditional design of the revised shopfront is considered to be appropriate and of high quality, and would be an improvement on the design of the existing shopfront. As such, the proposed shopfront would not harm the character and appearance of the building or streetscene. It would also preserve the character and appearance of the Charlotte Street Conservation Area.

Basement development

- 4.8 Basement developments can help to make efficient use of the Borough's limited land as required by the Local Plan; however it must be ensured that they do not cause harm to the amenity of neighbours, affect the stability of buildings, cause drainage or flooding problems, or damage the character of areas and the natural environment. Local Plan policy A5 includes a range of indicators to manage and mitigate these potential impacts. The following table (Table 1) demonstrates how the proposed basement is compliant with Policy A5 of the Camden Local Plan 2017:

Table 1: Assessment of Proposal Against Policy A5 of the Local Plan		
Policy A5 Criteria	Response	Complies Yes/No
The Council will only permit basement development where it is demonstrated to its satisfaction that the proposal would not cause harm to:		
a) neighbouring properties;	The BIA confirms that damage to adjacent property shall be limited to Category 1 (very slight) with appropriate monitoring and mitigation measures proposed. A Construction Management Plan shall be secured to mitigate impacts during the construction period.	Yes
b) the structural, ground, or water conditions of the area;	The BIA presents appropriate assessments of structural impacts and proposes mitigation measures. The BIA Audit undertaken by Campbell Reith confirms that the final scheme design will be confirmed within a Basement Construction Plan (BCP) to be submitted and approved as a Section 106 planning obligation. There will be no significant impacts to the wider hydrological environment, subject to securing the required final information in a BCP.	Yes

	See the 'Basement impact' section and specifically paragraph 5.3 below for further details.	
c) the character and amenity of the area;	The basement would have no external manifestations and would therefore preserve the character and amenity of the area.	Yes
d) the architectural character of the building; and	The basement would have no external manifestations and would therefore preserve the architectural character of the building.	Yes
e) the significance of heritage assets.	The basement would have no external manifestations and would therefore preserve the significance of the conservation area.	Yes
Basement development should:		
f) not comprise of more than one storey;	The proposed basement would be single storey in depth.	Yes
g) not be built under an existing basement;	The proposed basement would be single storey in depth beneath the ground floor, and would extend an existing basement level.	Yes
h) not exceed 50% of each garden within the property;	The entirety of Nos. 51 and 52 Tottenham Court Road is built form, with the exception of the side access road to the side of No. 51. This indicator therefore does not apply.	Yes
i) be less than 1.5 times the footprint of the host building in area;	The proposed basement excavation would have a total area of approximately 220sqm. The existing footprint of the building at ground floor level is 240sqm, therefore the proposed basement would be 0.91 times the footprint of the host building in area.	Yes
j) extend into the garden no further than 50% of the depth of the host building measured from the principal rear elevation;	The entirety of Nos. 51 and 52 Tottenham Court Road is built form, with the exception of the side access road to the side of No. 51. This indicator therefore does not apply.	Yes
k) not extend into or underneath the garden further than 50% of the depth of the garden;	The entirety of Nos. 51 and 52 Tottenham Court Road is built form, with the exception of the side access road to the side of No. 51. This indicator therefore does not apply.	Yes

l) be set back from neighbouring property boundaries where it extends beyond the footprint of the host building; and	The basement only extends beyond the footprint of the host building to the front, where it extends beneath the pavement and highway of Tottenham Court Road. The proposed basement in this location would be set away by 0.2m from the boundary with No. 53 Tottenham Court Road.	Yes	
m) avoid the loss of garden space or trees of townscape or amenity value.	The proposal would not lead to the loss of any garden space or trees of townscape or amenity value.	Yes	

4.9 Overall, the basement excavation is considered acceptable in scale in relation to the host dwelling. By virtue of the form, scale, detailing and proportions, the proposals would be sympathetic to the host buildings. The proposals would be subordinate to the host buildings and would respect and preserve their character and existing architectural features. It would comply with policy A5 of the Local Plan.

5.0 Basement impact

5.1 The Basement Impact Assessment (BIA) submitted with the application has been independently assessed by a third party engineering firm (Campbell Reith), with further information provided by the author of the BIA during the course of the application. The Audit reviewed the BIA for potential impact on land stability and local ground and surface water conditions arising from basement development.

5.2 The BIA assessment predicts movements of a maximum Burland Category 1 (Very Slight) damage to neighbouring properties, which the Auditors accept. The Auditors accept that the scheme would avoid any potential impact on the local and wider hydrology and hydrogeology of the area, subject to assessment of the effects of resin grouting to be presented within a Basement Construction Plan (BCP). The BCP would need to include additional site investigation to confirm the ground conditions and design parameters, and sufficient structural monitoring. The BCP would be secured through a Section 106 Legal Agreement and would need to be independently reviewed. The Auditor also accepts that there are no slope stability issues and that development has a low risk of flooding.

5.3 The Auditor notes that utility and rail infrastructure assets may be impacted by the proposed works, and states that asset protection agreements should be entered into, as required by the asset owners. Thames Water have advised that the developer would be required to obtain a Groundwater Risk Management Permit for discharging groundwater into a public sewer, and this has been attached as an informative. A further informative from Thames Water has been attached to advise the developer of the minimum water pressure which Thames Water aim to provide customers with, as per Thames Water's request. To ensure that the proposed development does not impact on London Underground transport infrastructure, a pre-commencement condition would be attached to require the submission and approval of detailed design and method statements in consultation with London Underground for the proposed basement and foundations, as requested by London Underground Infrastructure Protection (recommended draft condition 7). A further informative stating that the applicant is advised to contact London Underground Infrastructure Protection in advance of the final design and associated method statements would also be attached to any decision. Finally, to ensure that the proposed development does not impact on Crossrail 2 structures, Transport for London (TfL) have requested that a pre-commencement condition be attached to require the submission and approval

of detailed design and construction method statements the proposed basement and foundations (recommended draft condition 8). TfL have stated that they will provide information about the proposed location of Crossrail 2 tunnels and structures, and this would be included as an informative.

5.4 The Audit confirms that based on securing the required final information in a BCP, the BIA has met the requirements of policy A5 and CPG Basements for the identification of the potential impacts of the proposed basement construction and the proposed mitigation.

5.5 The appointment of a suitably qualified chartered engineer to oversee the permanent and temporary basement construction works would be secured by a pre-commencement condition to ensure that the basement works are undertaken in compliance with the approved design so that the appearance and structural stability of the neighbouring buildings and the character of the immediate area is safeguarded (recommended draft conditions 4 and 5).

6.0 Transport and planning obligations

Construction Management Plan

6.1 The Council's Transport Planner has assessed the proposal and confirmed that a Construction Management Plan (CMP) would be required for the proposed development. This is necessary due to the amount of excavation required for the basement and given the location of the site on Tottenham Court Road, which is in the Central London Area and at the centre of the West End Project public realm improvement programme (currently undergoing major works to reconfigure the road to make it two way to traffic). Phase 1 of the works to Tottenham Court Road began in June 2018 and the entire scheme is scheduled to be completed by Spring 2020. There are therefore currently restrictions imposed on loading and unloading by the site, which would need to be factored into the proposed construction process for the development.

6.2 The Council's primary concern would be with public safety but the Council would also need to ensure that that construction traffic does not create (or add to existing) traffic congestion in the local area and that the development can be implemented without being detrimental to amenity or the safe and efficient operation of the highways network in the local area. The CMP would need to be approved by the Council prior to works commencing on site and would be secured through a Section 106 Legal Agreement. The Section 106 Legal Agreement would also secure a CMP Implementation Support Contribution of £3,136.

Highways Contribution

6.3 A financial contribution of £21,100 for highways works directly adjacent to the site would be secured as a Section 106 planning obligation, to allow for any damage to the footway and public highway caused during construction to be repaired following development. This figure includes 25% officer fees and 15% contingencies. This would also ensure that any damage caused during construction to the West End Project public realm improvement works currently underway along Tottenham Court Road is rectified following development, in accordance with policy T3.

Approval in Principle

6.4 The proposal would involve basement excavations directly adjacent to the public highway along Tottenham Court Road. The Council has to ensure that the stability of the public highway adjacent to the site is not compromised by the proposed basement excavations. As such, the applicant would therefore be required to submit an 'Approval In Principle' (AIP) report to the Council's Highways Structures & Bridges Team within Engineering Services as a Section 106 planning obligation. This is a requirement of British Standard BD2/12. The AIP would need to include structural details and calculations to demonstrate that the proposed development would not affect the stability of the public highway adjacent to the site. The AIP would also need to include an explanation of any required mitigation measures. The Section 106 Legal Agreement would also secure an associated assessment fee of £3,600.

Cycle parking

6.5 Transport for London (TfL) have objected to the proposal on the basis that a minimum of 2 long-stay and 8 short-stay cycle parking spaces have not been provided. The Council's Transport Planner has reviewed the proposal and confirmed that whilst it would be desirable to provide all of these cycle parking spaces on-site, this would not be possible in this instance given the constraints. As such, the Council's Transport Planner has confirmed that the provision of 4 secure and covered long-stay cycle parking spaces on-site would be sufficient (subject to a financial contribution outlined below), and the permanent provision of these spaces would be secured by condition (recommended draft condition 6). A Pedestrian, Cycling and Environmental Contribution of £800 would be secured by a Section 106 Legal Agreement in lieu of the short-stay cycle parking spaces. This contribution would be used to improve cycle facilities outside or near the shop frontage, which is considered to be an acceptable outcome in this instance, and would overcome TfL's objection.

Car-free

6.6 The site is located within the Bloomsbury & Fitzrovia (CA-E) controlled parking zone and has a PTAL rating of 6b (Excellent). This means that the site is easily accessible by public transport. Policy T2 requires developments in such locations to be car-free. There are no existing parking spaces on-site, and none are proposed; however, the Council's Transport Planner has confirmed that a planning obligation for car-free development would need to be secured through a Section 106 Legal Agreement, to restrict access to business parking permits.

7.0 Amenity

7.1 Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Policy A1 seeks to ensure that development protects the quality of life of occupiers and neighbours by stating that the Council will only grant permission for development that would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise and impact on daylight and sunlight.

7.2 The proposed alterations to the shopfronts would not give rise to any adverse impact on the amenity of neighbouring occupiers in terms of loss of daylight, sunlight, outlook or privacy.

7.4 Subject to the securing of a CMP as outlined in the previous section and the approved BIA and BCP being applied to the proposal, the proposed basement development is not considered to lead to a significant impact upon the amenities of any neighbouring occupiers. The development is thus considered to be in accordance with planning policies A1 and A4.

8.0 CIL

8.1 The proposed development would be liable for the Mayoral and Camden CIL as the additional floorspace exceeds 100sqm GIA. Officer estimate is that the payment would be based on an uplift of 144.5sqm, equating to £7,225 (144.5sqm x £50) for the Mayor's CIL and £72,250 (144.5sqm x £500) for the Camden CIL. The final charge will be calculated with the Council's CIL team.

9.0 Conclusion

9.1 The proposed development is considered acceptable in terms of design, basement impact and impact in terms of amenity. The development is deemed consistent with the objectives and policies identified above.

9.2 The recommendation is therefore to Grant Conditional Planning Permission subject to a Section 106 Legal Agreement covering the following Heads of Terms:

- Basement Construction Plan (BCP);

- Construction Management Plan (CMP) including CMP Implementation Support Contribution of £3,136;
- Highways contribution of £21,100;
- Approval in Principle (AIP) including AIP assessment fee of £3,600;
- Pedestrian, Cycling and Environmental Contribution of £800;
- Car-free development.

DISCLAIMER

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 28th January 2019, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Savills UK
33 Margaret Street
London
W1G 0JD

Application Ref: **2018/3565/P**

24 January 2019

Dear Sir/Madam

DRAFT
FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION
Town and Country Planning Act 1990 (as amended)

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:

Ground Floor and Basement Units
51-52 Tottenham Court Road
London
W1T 2EH

DECISION
Proposal: Excavation of new basement and lowering of existing basement floor level by 1.0m;
installation of 2 x new shopfronts.

Drawing Nos: C645_D_TY_001 Rev. B; C645_D_TY_002 Rev. A; C645_E_NE_002 Rev. C; C645_P_00_004 Rev. A; C645_P_B1_004 Rev. A; C645_S_AA_004 Rev. A; C645_S_BB_004 Rev. A; C645_S_CC_004 Rev. A; F000_P_AL_001 Rev. D; F000_P_AL_006 Rev. A; G100_P_00_001 Rev. A; G100_P_AL_001; JA12_D_TY_001; JA12_D_TY_002; JA12_E_NE_001; JA12_P_00_001; JA12_P_B1_001; JA12_S_AA_001; JA12_S_BB_001; JA12_S_CC_001; JC20_E_NE_002 Rev. A; JC20_P_00_002 Rev. A; JC20_P_B1_002 Rev. A; JC20_S_AA_002 Rev. A; JC20_S_BB_002 Rev. A; JC20_S_CC_002 Rev. A; Basement Impact Assessment Project Number 8781 (prepared by Sinclair Johnston, dated June 2018); Basement Impact Assessment Audit Report Rev. F1 January 2019 (prepared by Campbell Reith, dated 02/01/2019); Basement Impact Assessment Audit Report Rev. F1 December 2017 (prepared by Campbell Reith, dated 19/12/2017); Construction Management Plan Pro-Forma (prepared by Caneparo Associates, dated July 2018); Design and Access Statement - Sections 1.0 to 4.0 (prepared by Squire & Partners, dated July 2018); Planning Statement (prepared by Savills, dated 25/07/2018).

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

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 this permission.

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

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans C645_D_TY_001 Rev. B; C645_D_TY_002 Rev. A; C645_E_NE_002 Rev. C; C645_P_00_004 Rev. A; C645_P_B1_004 Rev. A; C645_S_AA_004 Rev. A; C645_S_BB_004 Rev. A; C645_S_CC_004 Rev. A; F000_P_AL_001 Rev. D; F000_P_AL_006 Rev. A; G100_P_00_001 Rev. A; G100_P_AL_001; JA12_D_TY_001; JA12_D_TY_002; JA12_E_NE_001; JA12_P_00_001; JA12_P_B1_001; JA12_S_AA_001; JA12_S_BB_001; JA12_S_CC_001; JC20_E_NE_002 Rev. A; JC20_P_00_002 Rev. A; JC20_P_B1_002 Rev. A; JC20_S_AA_002 Rev. A; JC20_S_BB_002 Rev. A; JC20_S_CC_002 Rev. A; Basement Impact Assessment Project Number 8781 (prepared by Sinclair Johnston, dated June 2018); Basement Impact Assessment Audit Report Rev. F1 January 2019 (prepared by Campbell Reith, dated 02/01/2019); Basement Impact Assessment Audit Report Rev. F1 December 2017 (prepared by Campbell Reith, dated 19/12/2017); Construction Management Plan Pro-Forma (prepared by Caneparo Associates, dated July 2018); Design and Access Statement - Sections 1.0 to 4.0 (prepared by Squire & Partners, dated July 2018); Planning Statement (prepared by Savills, dated 25/07/2018).

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

- 4 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment 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 policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

- 5 The development hereby approved shall be carried out strictly in accordance with the BIA (and other supporting documents) compiled by Sinclair Johnston, dated June 2018, as well as the recommendations in the Basement Impact Assessment Audit Report Rev. F1 January 2019 prepared by Campbell Reith, dated 02/01/2019, and the Basement Impact Assessment Audit Report Rev. F1 December 2017 prepared by Campbell Reith, dated 19/12/2017.

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 A5 of the London Borough of Camden Local Plan 2017.

- 6 Prior to occupation, 4 secure and covered cycle spaces shall be provided at basement level, as shown on the approved plans, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities for staff in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

- 7 The development hereby permitted shall not commence until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:

- i) provide details on all structures;
- ii) accommodate the location of the existing London Underground structures and tunnels;
- iii) accommodate ground movement arising from the construction thereof; and
- iv) mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition 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 with London Plan 2015 Table 6.1, draft London Plan policy T3 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

- 8 The development hereby permitted shall not commence until detailed design and construction method statements for all the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority which:

- (i) Accommodate the proposed location of the Crossrail 2 structures including tunnels, shafts and temporary works;
- (ii) Accommodate ground movement arising from the construction thereof;
- (iii) Mitigate the effects of noise and vibration arising from the operation of the Crossrail 2 railway within the tunnels and other structures.

The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs (i), (ii) and (iii) and of this condition shall be completed, in their entirety, before the ground floor and basement of the buildings are occupied.

Reason: To ensure that the development does not impact on proposed Crossrail 2 transport infrastructure, in accordance with London Plan 2015 Table 6.1, draft London Plan policy T3 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).

- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at www.camden.gov.uk/cil for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.
- 4 Transport for London is prepared to provide to information about the proposed location of the Crossrail 2 tunnels and structures. It will supply guidelines about the design and location of third party structures in relation to the proposed tunnels, ground movement arising from the construction of the tunnels and noise and vibration arising from the construction and use of the tunnels. Applicants are encouraged to discuss these guidelines with the Crossrail 2 engineer in the course of preparing detailed design and method statements.

In addition, the latest project developments can be found on the Crossrail 2 website www.crossrail2.co.uk, which is updated on a regular basis.
- 5 The applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; excavation and construction methods.
- 6 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.
- 7 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

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

Supporting Communities Directorate

DRAFT

DECISION