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Planning Department
London Borough of Camden
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Sent by email only

APPLICATION MADE UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 MET BUILDING, 22 PERCY STREET, W1T 2BU

We act on behalf of our client, Lazari Properties 1 Limited in relation to the above Site. The Site benefits from planning permission for the following development dated 22nd April 2022 (Ref: 2021/3392/P)

Replacement of existing entrances and recessed second entrance; new terraces at first, second and fourth floors, with landscaping and green roofs; new enclosed glazed spiral staircase to rear; new structure to include plant area and ancillary facilities at fourth floor Podium roof west; alterations to plant equipment and enclosures at fourth floor Podium roof east; glazed roof extension on the tower roof with retractable roof and relocation of plant; cycle parking at basement.

Background

The above planning permission will result in a large level of investment to improve the office accommodation for existing and future office tenants both internally and externally including through the addition of terraces at different levels of the building. The permission included the introduction of terrace space in the following locations:

- First floor and 2nd floor terrace to the west of the 'tower' element of the proposal'. These terraces will be used by the 1st and 2nd floor podium office tenants respectively.
- 4th floor podium roof west terrace. This terrace is to be used by the podium office tenants across all floors and includes a serving area to support the use of the terrace.
- 4th podium roof east terrace along Tottenham Court Road. This terrace will be used solely by the office tenants at this level (the bottom floor of the central tower).
- Roof terrace at 13th floor level with retractable roof to enable this space to be enclosed or open to the elements depending on the weather. This will be used by office tenants within the tower building.

The nearest residential receptor is No. 28 Percy Street, which is the closest to the 4th floor west podium terrace. During the course of the application determination period, the applicant agreed to set-back the 4th floor west podium terrace by approximately 6 metres from this unit. The consented scheme ensures the terrace area will feature flanking walls to the west to both screen sightlines and to mitigate any noise impact from the new amenity space on the neighbouring residential terraces.

The planning permission includes the following conditions related to use of the terraces:



- Condition 10 - The proposed open amenity terraced areas hereby permitted shall not be used except between 10am to 18:00pm Mondays to Fridays and not at all on Saturdays, Sundays and Bank Holidays, and notices shall be displayed within the building to notify of this.
- Condition 11 - No sound emanating from the use of the open amenity terraces shall be audible within any adjoining premises between 1800 hrs and 1000 hrs.

Proposed Variation of Conditions

Terraces and amenity space are an increasingly important requirement for office tenants and for a successful building. The intention of the consented scheme is to provide significant investment to deliver high-quality terrace spaces that can be used by tenants primarily during the day and during office working hours. However, it is an important requirement for the success of the office leasing campaign to ensure the terrace space can be used later to a time more typically expected in Central London, even if only for a limited number of times throughout the year.

The future tenants of the building are currently unknown, but there has been concern from prospective occupiers who have given us direct feedback about how restrictive the above conditions are. Therefore, this Section 73 application is seeking to vary the above two conditions as follows:

- Condition 10 - The proposed open amenity terraces area (excluding the 13th floor roof terrace) shall not be used except between 10:00am and 19:00pm Mondays to Fridays and not at all on Saturdays, Sundays and Bank Holidays, apart from extended operating hours to 21:00pm (no more than 20 per annum). Notices shall be displayed within the building to notify of this.
- Condition 11 - No sound emanating from the use of the open amenity terraces shall be audible within any adjoining premises between 1900 hrs and 1000 hrs with the exception of the extended operating hours referenced in Condition 10.

The potential to extend the operating hours of the terrace to 21:00 hours would be allowed on a maximum of 20 occasions across all of the external terrace spaces combined (i.e. not 20 times per terrace). This would exclude the consented 13th floor terrace as this terrace is nine storeys higher than the nearest residential receptor. Due to the distance from any residential receptor, we do not consider the use of the 13th floor terrace would have any impact on residential amenity and should not be restricted in terms of its use.

We have enclosed an Outline Terrace Operation Management Plan (OMP) outlining how the consented terraces will be operated and managed to ensure any impact on residential amenity is minimised and managed.

Submission Material

Please see enclosed the following information to discharge the above conditions:

- Application form;
- Location Plan; and



- Outline Terrace Operation Management Plan

The application form has been submitted online via the Planning Portal (**Reference PP-11958559**) and the application fee of £266.20 (including £32.20 administration fee) for the Section 73 application has been paid direct to the Council via online payment

I trust the above and enclosed is the necessary information to validate the application, however if you require any further information please do not hesitate to contact me.

Yours sincerely



Matt Gore
Director - Planning