



# GERALDEVE

One Fitzroy, 6 Mortimer Street,  
London W1T 3JJ  
Tel. +44 (0)20 7493 3338  
[geraldve.com](https://geraldve.com)

London Borough of Camden  
Planning Services  
5 Pancras Square  
London  
N1C 4AG

**FAO: Laura Dorbeck**

**Our Ref: LJW/NDA/LLJ/ACS/U0010439**

15 February 2023

Dear Madam,

**247 Tottenham Court Road, London  
Town and Country Planning Act 1990 (as amended)  
Section 96a Application for Non-Material Amendment to Planning Permission Ref. 2020/3583/P**

We write on behalf of our client, M&G Fitzrovia Nominee 1 Limited and M&G Fitzrovia Nominee 2 Limited (the "Applicant"), to submit an application to make non-material amendments to planning permission ref. 2020/3583/P relating to the development at 247 Tottenham Court Road, London ('the Site'). The proposed amendments to the approved scheme have arisen as a result of design development and consultation with the London Fire Brigade, Building Control and the wider detailed design team.

For the avoidance of doubt, the following non-material amendments are sought:-

**"Non-material amendments to planning permission (ref. 2020/3583/P) dated 30 July 2021 for; Demolition of 247 Tottenham Court Road, 3 Bayley Street, 1 Morwell Street, 2-3 Morwell Street and 4 Morwell Street and the erection of a mixed use office led development comprising ground plus five storey building for office (Class B1) use, flexible uses at ground and basement (Class A1/A2/A3/B1/D1/D2), residential (Class C3) use, basement excavation, provision of roof terraces, roof level plant equipment and enclosures, cycle parking, public realm and other associated works; CHANGES INCLUDE; reconfiguring of internal core layouts and cycle entrances, amendments to the ground floor entrance on Bayley Street, amendments to louvre design on Morwell Street and amendments to the design of the parapets."**

## **Background**

On 30 July 2021 planning permission (LPA ref. 2020/3583/P) was granted for:

**"Demolition of 247 Tottenham Court Road, 3 Bayley Street, 1 Morwell Street, 2-3 Morwell Street and 4 Morwell Street and the erection of a mixed use office led development comprising ground plus five storey building for office (Class B1) use, flexible uses at ground and basement (Class A1/A2/A3/B1/D1/D2), residential (Class C3) use, basement excavation, provision of roof terraces, roof level plant equipment and enclosures, cycle parking, public realm and other associated works."**

Since the grant of the original planning permission (LPA ref. 2020/3583/P), the applicant has been seeking to discharge various conditions attached to the permission and the development is underway. It commenced demolition works in January 2022.

## Procedure

On 01 October 2009, Section 190 of the Planning Act 2008 introduced Section 96a of the Town and Country Planning Act 1990 (as amended). Section 96A of the Town and Country Planning Act 1990 (as amended) enables non-material changes to existing planning permissions to be made without requiring the submission of a new planning application or an application under Section 73 of the Act for minor-material amendments.

Paragraph 39 and 40 of the NPPF encourage pre-application engagement to enable good quality pre-application discussion. These discussions enable better coordination between public and private resources and improve the efficiency of the planning application system. The Applicant has entered into a Post Approval Agreement, and through the course of two design workshops with Officers, feedback has been incorporated within the design of the proposals.

The changes to the approved permission (LPA ref. 2020/3583/P) are set out below and it has been agreed with Laura Dorbeck and Alistair Crockett at Camden Council prior to submission who have agreed that the proposed changes represent non-material amendments and can therefore be submitted under Section 96A of the Town and Country Planning Act 1990 (as amended).

## Proposals

This non-material amendment application seeks approval for the substitution of drawings approved under planning permission LPA ref. 2020/3583/P to enable amendments which have come forward as a result of design development:

- Amendment to the location of the cycle entrance to provide new dedicated escape doors on Morwell Street;
- Amendments to the louvres to the UKPN plant room;
- Amendment to the parapets;
- Amendment to the office entrance on Bayley Street; and
- Amendment to the Applicant entity on the Site Location Plan.

Full details of the proposed non-material design changes are enclosed within the accompany drawings and design document prepared by Stiff and Trevillion.

## Assessment

The proposed amendments are considered to represent non-material alterations to the scheme permitted under planning permission ref. 2020/3583/P and have been considered carefully in the context of the originally approved scheme.

The proposals are considered to be indiscernible changes to the external appearance of the building when compared to the approved permission, which are necessary for construction, design, fire safety and accessibility related efficiencies. The proposed works would continue to adopt the principles of high-quality and sustainable design which are sympathetic and contextually similar to the site and its surroundings. We consider that the changes will not materially affect the overall design and appearance of the approved scheme and the proposals will not result in any changes to the massing or floorspace of the building.

The amended design would continue to maintain a positive relationship with the adjacent buildings and continue to deliver a high-quality redevelopment which will enhance the character and appearance of this part of Camden.

The proposals are considered to be non-material amendments in the context of the approved scheme and would allow for the approved scheme to be delivered following detailed design which is necessary for construction, design, fire safety and accessibility related efficiencies. As such, we consider that the application to make non-material amendments to the approved permission should be granted pursuant to Section 96a of the Town and Country Planning Act 1990 (as amended), accordingly.

## Replacement Drawings

The list of plans submitted to supersede those already approved under planning permission LPA ref. 2020/3583/P are set out in the following table as part of this non-material amendment application:

Approved Drawing references to be superseded	Replacement Proposed Drawing references
4486-ST-PR-01-003 Site Location Plan	4486-ST-PR-01-003-A Site Location Plan
4486-ST-PR-02-002-BP Site Block Plan	4486-ST-PR-02-002-BP-A Site Block Plan
4486-ST-PR-02-100-A Ground Floor Plan	4486-ST-PR-02-100-B Ground Floor Plan
4486-ST-PR-03-100-A Tottenham Court Road Elevation	4486-ST-PR-03-100-B Tottenham Court Road Elevation
4486-ST-PR-03-101-A Bayley Street Elevation	4486-ST-PR-03-101-B Bayley Street Elevation
4486-ST-PR-03-102-B Morwell Street Elevation	4486-ST-PR-03-102-B Morwell Street Elevation

## Application Documentation

In accordance with Camden Council's validation requirements for applications for non-material amendments, alongside this Covering Letter we enclose herewith the following documentation for your formal review:

- Completed application form, prepared by Gerald Eve LLP;
- Covering letter, prepared by Gerald Eve LLP;
- Copy of Decision Notice 2020/3583/P dated 30<sup>th</sup> July 2021 (for reference purposes);
- Site Location Plan, prepared by Stiff and Trevillion;
- Approved and Proposed Drawing Pack, prepared by Stiff and Trevillion; and
- NMA Design Document, dated January 2023, prepared by Stiff and Trevillion.

The requisite application fee payment of £262.00 (inclusive of the Planning Portal administration fee) has been made has been made by the applicant concurrent to the submission of this non-material amendment application.

We trust this submission is sufficient for you to validate and determine the application and look forward to receiving confirmation of this in due course.

In the meantime, should you have any questions or queries, then please do not hesitate to contact Liam Lawson Jones (020 3486 3605) or Anna Collingwood-Smith (0738 540 9544) of this office.

Your faithfully,

*Gerald Eve LLP*

**Gerald Eve LLP**

LLawsonJones@geraldev.com  
Direct tel. +44 (0)20 3486 3605