



70 St Mary Axe
London
EC3A 8BE

6 June 2023

Planning and Regeneration
London Borough of Camden
2nd Floor
5 Pancras Square
London
N1C 4AG
F.A.O. Josh Lawlor

Dear Sir / Madam

24 ENDELL STREET, LONDON, WC2H 9HQ
SECTION 96A OF THE TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
APPLICATION FOR A NON-MATERIAL AMENDMENT TO PLANNING PERMISSION REF. 2021/5347/P

On behalf of our client, Patrizia UK Limited ("the Applicant"), please find enclosed an application (hereafter referred to as the "Application") made under Section 96A of the Town and Country Planning Act ("TCPA") 1990 (as amended), for a non-material amendment ("NMA") to planning permission ref. 2021/5347/P, which was approved by the London Borough of Camden ("LB Camden" / "the Council") on 24 August 2022, for the following ("the Scheme" / "the 2022 Permission"):

"Change of use of ground and upper floors of the building from members club (Sui Generis) to use as offices (Class E), enlargement of existing cycle & shower facilities, replacement and reconfiguration of rooftop plant, to accommodate extension for additional office space (Class E). Retention and refurbishment of basement to allow for continued studio use (Sui Generis)."

This NMA Application seeks to remove Condition 10 attached to planning permission ref. 2021/5347/P.

Condition 10 reads as follows:

"Notwithstanding the details shown on the drawings, the detailed design of the first to second floor windows on Betterton Street shall be submitted for approval by the Council. The submission should demonstrate how the windows have been designed to minimise the impact of overlooking to the neighbouring properties. The approved windows design should be permanently retained and maintained thereafter."

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policies A1 and D1 of the London Borough of Camden Local Plan 2017."

BACKGROUND

24 Endell Street ("the Site") was previously St Paul's Hospital, until its closure in 1992 (see photo attached from 1980).

Indeed prior to the St Paul's Hospital, the Site had been home to the General Lying In Hospital since 1849.

Prior to that, Horwood's Map of London 1799, shows a collection of houses facing Brownlow Street (now Betterton Street), where the Hospital was subsequently constructed. Therefore, for at least the last 224 years, there have been windows on this façade.

Certainly, since the construction of the Hospital, there have been windows facing southwards on Betterton Street. The distance across Betterton Street is approximately 10 metres. Betterton House is a residential block with habitable rooms facing Betterton Street, albeit these consistently have net curtains on all windows.

The Site changed use from a hospital and became a private members' club following the granting of planning permission on 7 April 2000, under application reference PS9904338/R1. Under this application, the Betterton Street elevation was rebuilt and modernised. The proposals included the removal of windows at first and second floor levels for internal purposes, i.e., to accommodate a screening room and member's lounge.

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Montagu Evans LLP is a limited liability partnership registered in England and Wales with registered number OC312072. Registered office 70 St Mary Axe London EC3A 8BE.
A list of members' names is available at the above address.

The 2022 Permission sought to re-introduce the windows at first and second floor levels on the Betterton Street elevation to ensure an appropriate outlook for the proposed office use.

During the application consultation period, LB Camden received comments from the Covent Garden Community Association on 10 December 2021. The comments requested that on the Betterton Street elevation, *"In order to protect the privacy of the neighbours we ask for a planning condition that any glass windows be coated or frosted so that there is reduced overlooking of residents."*

The proposed wording of the condition was drafted (the exact wording outlined above) and included in LB Camden's Committee Report. The reason for attaching Condition 10 was to preserve the amenity of neighbouring premises, specifically, the residents at Betterton House.

The Applicant has reviewed Condition 10 and deemed the requirements excessive, given the Site's background and proposed office use. The Site's history demonstrates the principle of windows on Betterton Street had been established. Furthermore, the internal layout of the new office layout (at first & second floors) has been designed to minimise overlooking through the placement of desks perpendicular to the Betterton Street elevation or the creation of meeting rooms, centred around a table in each room. In both cases, occupants of the relevant desks / meeting rooms would only have fleeting glances out of the windows, rather than be permanently facing the street / the building/s opposite.

Rather Condition 10 does not account for the occupant's amenity. Indeed, the requirement of obscured glazing would be detrimental to the outlook of office occupants and be of no real benefit to occupants of the residential flats opposite. Office occupants would generally be working from 0900 to 1700 and therefore not working in evenings / at weekends, when the residential units would be more likely to be occupied.

Therefore, this NMA Application seeks to remove Condition 10 attached to planning permission ref. 2021/5347/P.

OMISSION OF CONDITION 10 UNDER SECTION 96A

Section 96A of the TCPA 1990 states that:

- (1) *"A local planning authority F3 ... may make a change to any planning permission [F4, or any permission in principle (granted following an application to the authority).] relating to land in their area if they are satisfied that the change is not material.*
- (2) *In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission [F5 or permission in principle] as originally granted.*
- (3) *The power conferred by subsection (1) includes power [F6 to make a change to a planning permission] —*
 - a. *to impose new conditions;*
 - b. *to remove or alter existing conditions."*

Within the guidance set out in the Planning Practice Guidance (2014), there is no statutory definition of 'non-material', as it is deemed to be very much dependent upon the context of each scheme.

The proposed change, i.e., removal of Condition 10, should be regarded as non-material due to the following points:

- The proposed change would be inconsequential in terms of its scale (magnitude, degree, etc.) in relation to the original approval;
- The proposed change would not result in a detrimental impact visually;
- In terms of amenity, the impact on neighbours would match the existing situation;
- The interests of any third party who participated in or were informed of the original decision would not be disadvantaged;
- The amendment would not be contrary to any policy of the LPA; and
- The description of development and red line boundary for the extant scheme would remain unchanged.

As a result, this Application via an NMA (under Section 96A) is considered the most appropriate application route.

APPLICATION DOCUMENTS

The following documentation has been submitted via the Planning Portal (PP-12204399) as part of this Application:

- This Covering Letter prepared by Montagu Evans;
- Non-Material Amendment Application Form prepared by Montagu Evans;



- Site Location Plan prepared by BGY Architects; and,
- Decision Notice relating to planning permission ref. 2021/5347/P.

CLOSING

[Redacted signature block]

We trust the enclosed is in order and look forward to receiving acknowledgement of its registration in due course. If you do have any queries on this matter, please contact Peter Bovill or Eleanor Mazzon [Redacted signature block]

Yours faithfully

[Redacted signature block]

MONTAGU EVANS LLP

Enc.



Record No: T1568

Title: Building in Endell Street

Description: 22 Endell Street, Holborn, at the corner of Bedford Street. Front and side elevations of a four-storey building. In view are a street lamp, parked van and car, a handcart and a motorbike. A sign reading 'Clayton' visible above the entrance.

Artist:

Catalogue No: SC_PHL_01_153_B0_688

Accession No.:

Date of Execution: 1980

Medium: photograph